

CODE OF GENERAL ORDINANCES
OF THE
TOWN OF POUND
MARINETTE COUNTY, WISCONSIN
CHAPTER 2: TOWN ADMINISTRATION AND PERSONNEL

Ordinance No. 02-101

An Ordinance establishing a five (5) member Town Board for the Town of Pound consisting of unnumbered supervisor seats.

RECITALS:

WHEREAS, The Town Board of Town of Pound voted unanimously to move to a five (5) member board under s.60.21, 2 (b), and (c)

WHEREAS, The Town of Pound five (5) member Town Board would consist of a Chairman and four (4) Supervisors, and

WHEREAS, a five (5) member Town Board would provide greater representation of the town electors.

**NOW, THEREFORE, THE TOWN OF POUND BOARD OF SUPERVISORS
DOES ORDAIN AS FOLLOWS:**

1. For the next general election to be held in April 2003, there will be four (4)

Supervisor unnumbered seats open for re-election.

2. The four (4) open supervisor positions will be filled; the two (2) greatest vote getters will hold two (2) year terms, the next two (2) greatest vote getters will receive one (1) year terms.

3. Each year thereafter, two (2) Supervisor positions will be open for election to two (2) year terms.

This ordinance shall be in effect and in force from and after the date of its passage and publication all in accordance with the Wisconsin State Statutes.

Adopted this 12 day of August, 2002

Town of Pound - Pound, Wisconsin

Harvey Kamps, Chairman

Elmer Risner, Supervisor

Leonard Semrau, Supervisor

Attest:

Walter Peterson, Clerk

Posted: _____

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Chapter 2: TOWN ADMINISTRATION AND PERSONNEL

2.0100 TOWN GOVERNMENT AND ELECTIONS - RESERVED

2.0200 TOWN meetings and TOWN BOARD MEETINGS

2.0201 Town Meetings

A. Annual Town Meeting

The annual Town Meeting shall be held on the 2nd Tuesday in April unless a later date is set by the previous Annual Town Meeting, but not later than 10 days after the 2nd Tuesday in April. The Town Board may change the location of the annual Meeting. If the place of the Meeting is changed, the Town Clerk shall publish or post a class 2 notice under Ch. 985, Wis. Stat., of the time, date and location of the Meeting and shall make and file an affidavit of posting of such notice, if any. The annual Town Meeting has the powers set forth in § 60. 10, Wis. Stat., or post in 3 public places all resolutions, motions or other actions adopted by the Town Meeting as required by § 60.80, Wis. Stat.

B. Special Town Meetings

A special Town Meeting may be called by the Town Board or by written request of electors equal to at least 10% of the votes cast in the Town at the last election for governor. The call shall state the time, date and purpose of the special Town Meeting. The Town Clerk shall publish or post a class 2 notice stating the time date and purpose of the special Meeting not more than 20 days or less than 15 days prior thereto. Special Town Meetings must be held at the place where the preceding Town Meeting was held unless changed by the Town Board. Any business which may be transacted at the annual Town Meeting may be transacted at a special Town Meeting provided it is specified in the call and notice.

2.0202 Town Board

A. Authority and Powers

The Pound Town Board has the specific authority, powers and duties to manage and direct the affairs of the Town as set forth in Chapter 60 and other provisions of the Wisconsin Statutes, including powers conferred on village boards by ch. 61, Wis. Stat. the exercise of which does not conflict with the duties and powers of town boards set forth elsewhere in the Wisconsin Statutes, granted by annual Town Meeting. The Town Board shall have charge of all of the affairs of the Town not otherwise delegated by law to the annual Town Meeting or other Town officers.

B. Membership Compensation

The Town Board shall be composed of five (5) members, four Supervisors and a Chairman. Two Supervisors shall be elected each year and the Chairman shall be elected in the odd-numbered year. The Chairman and the Supervisors shall receive such compensation as established at a Town Meeting.

C. Vacancies

Vacancies in elective offices shall be filled by appointment by a majority vote of the Town Board for the remainder of the unexpired term.

D. Meetings

The Town Board shall meet each month in the Town Hall or such other place or place as the Board shall designate and notice pursuant to the Wisconsin Open Meetings law. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Special meetings may be called by the Chairman or any Supervisor by requesting the Town Clerk to call such meeting, stating the time and place for the meeting, by notifying each Supervisor and the public in accordance with §19.84 of the Wisconsin Statutes. Notice of all Town Board meetings shall be given in compliance with the Wisconsin Open Meeting Law, by posting written notice of the time, place and purpose thereof in three (3) public places in the Town and by written or oral notice to the media which has requested such notice at least 24 hours prior to the meeting, unless in an emergency, when proper notice shall be posted and given to the media at least two (2) hours prior to the meeting. No business shall be transacted at a special meeting except for the purpose which was stated in the notice thereof

E. Quorum

Three members of the Town Board shall constitute a quorum and the only business to be undertaken in the absence of a quorum shall be to adjourn from time to time or to compel the attendance of absent members.

F. Conduct of Meetings

The Order of Business at meetings shall be substantially as follows:

- 1. Call to order**
- 2. Roll call and declaration of a quorum. If a quorum is not present, the meeting shall be adjourned**
- 3. Certificates and announcement of compliance with Wisconsin Open Meeting Law posting and Town Municipal Code notice and publication procedures**
- 4. Approval of agenda**
- 5. Reading, correction and approval of minutes of previous meetings.**
- 6. Public comments**
- 7. Communications**
- 8. Reports**
 - (a) Town Committee and Commission Reports**
 - (b) Town Officials Report**
 - (1) *Treasurers Report*
 - (2) *Other Town Officials*
- 9. Old business**
- 10. New business**
- 11. Resolutions and Ordinances**

12. Adjournment

G. Notice

1. Agendas

The Town Clerk or person designated by the Town Chairman shall prepare a written agenda for each Town Board or committee meeting and distribute and post or publish the same as provided by the Wisconsin Open Meeting Law, ch. 19, Wis. Stat., and the Code of General Ordinances for the Town of Pound, Marinette County, Wisconsin.

2. Ordinances and Resolutions

All ordinances, resolutions or bylaws shall be reduced to writing before final action by the Board. Unless requested by a Supervisor or Chairperson before final vote is taken, no ordinance, resolution, bylaw or communication need be read in full.

H. Rules of Order

The meetings of the Board shall be conducted in accordance with the parliamentary rules contained in *Robert's Rules of Order, newly revised*, or the most recent version thereof, except as otherwise specifically provided in these ordinances or by written bylaw adopted by the Board.

I. Suspension of Rules

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of $\frac{2}{3}$ of the members present, but in no event shall the rules be suspended when there are less than 3 Board Members present.

2.0300 GENERAL REGULATIONS GOVERNING ALL TOWN OFFICERS

2.0301 Effect

The provisions of this section shall apply to all officers of the Town, regardless of the time of creation of the office or method of selection of the officer unless otherwise specifically provided by ordinance or resolution of the Town Board.

A. Official Oath of Office

Every officer of the Town, including members of Town boards and commissions, shall, before entering upon his/her duties and within five (5) days of election or appointment or notice thereof, take the oath of office prescribed by Section 19.01 of the Wisconsin Statutes and file said oath in the office of the Town Clerk, except the Town Clerk who shall file his/her oath in the office of the Town Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

B. Bond

Every officer shall, if required by law or the Town Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Town Board with such sureties as are approved by the Town Chairman, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as are oaths as provided in sub. (B) of this section.

C. Salaries

All appointed officers of the Town shall receive such salaries as may be provided from time to time by the Town Board. No officer receiving a salary from the Town shall be entitled to retain any portion of any fees collected by him or her for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the Town Board shall be by voucher as provided by statute.

D. Vacancies

Vacancies in appointive offices shall be filled in the same manner as the original appointment for the remainder of the unexpired term unless the term for such office is indefinite.

2.0400 TOWN OFFICERS AND EMPLOYEES

2.0401 Clerk

A. In general perform all other duties required by law, Wisconsin Statutes 66.33, ordinance or lawful direction of the town meeting or town board.

2.0402 Deputy town clerk

A. Each town clerk may appoint one or more deputies for whom the town clerk is responsible. A deputy shall take and file the official oath and bond under s. 60.31. The town clerk may designate a deputy to perform the clerk's duties during the absence, sickness or other disability of the clerk.

2.0403 Town Treasurer

A. In general perform all other duties required by law, Wisconsin Statutes 66.34, ordinance or lawful direction of the town meeting or town board.

2.0404 Deputy Town Treasurer

A. Each town treasurer may appoint a deputy for whom the treasurer is responsible. The deputy shall take and file the official oath and bond under s. 60.31.

B. In case of the absence, sickness or other disability of the treasurer, the deputy shall perform the treasurer's duties.

2.0405 Town Constable

A. In general perform all duties required by law, Wisconsin Statutes 66.22(4), ordinance or lawful direction of the town meeting or town board.

2.0500 General

The town board may employ on a temporary or permanent basis persons necessary to carry out the functions of town government including, subject to sub. (4), any elected officer of the town. The board may establish the qualifications and terms of employment, which may include the residency of the employee. The board may delegate the authority to hire town employees to any town official or employee.

2.0600 Legal Assistance

The town board may designate, retain or employ one or more attorneys on a temporary or continuing basis to counsel the town on legal matters or represent the town in legal proceedings.

2.0700 Treasurer

The Town Assessor shall have the rights, obligations and duties as specified in Chapter 70, Wis. State Stats.

2.0800 Assessor

The Town Treasurer shall have the rights, duties and obligations as specified in Chapter 60.34, Wis. State Stats. (per Wis. State Stats. 60.305(1) WI Act 34 allows for the appointed position of Town Treasurer) [Revision Adopted 4/27/98]

2.0900 Zoning Administrator

A. Designated

The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance.

B. Duties

The duty of the Zoning Administrator shall be to interpret and administer this Code and to issue, after on-site inspection if needed, all permits required by this Code. Additionally, the Zoning Administrator is required to perform all lawful duties and functions as direct by the town meeting or town board.

C. The Zoning Administrator shall further:

1. Maintain Records of all permits issued, inspections made, work approved, and other official actions;

2. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Code;

- 3. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Town Board, Plan Commission and Town Attorney in a manner specified by him or her;**
- 4. Assist the Town Board, Plan Commission and Town Attorney in the prosecution of Code violations;**
- 5. Issue citations for enforcement of and or violation of this ordinance;**
- 6. Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Code. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes;**
- 7. Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection;**
- 8. Attend all meetings of the Town Plan Commission and the Town Zoning Board of Appeals.**

2.0902 Reserved

2.0903 Reserved

2.0904 Reserved

2.0905 Reserved

2.0906 Reserved

2.1000 Boards, Commissions, and Committees

2.1100 Plan Commission

2.1101 Authority; Establishment

The Town Board of the Town of Pound has been authorized by the Town meeting under sec. 60.10 (2)(c), 60.62, 61.35, and 62.23 of the Wisconsin Statutes, 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 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 sections. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

A. Membership

The Plan Commission shall consist of five (5) citizen members who are residents of the Town and who shall be persons of recognized experience and qualifications. However, two (2) Town Board members may be appointed if only three (3) citizen members are appointed.

B. Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. [All appointments are subject to the advisory approval of the Town Board.] 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 (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

C. Terms of Office

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. However, the Plan Commission Chairperson or 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.

D. Vacancies

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

E. Compensation; Expenses

The Town Board of the Town of Pound will determine a per diem allowance 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. 66.0321, Wis. Stats.

F. Experts & Staff

The Plan Commission may, under sec. 62.23(1)(e), 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.

G. 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, findings and determinations, which shall be a public record under Sections 19.21 and 19.39, Wis. Stats.

H. Chairperson and Officers

1. Chairperson. The Plan Commission Chairperson shall elected by the Plan Commission and serve a term as provided in sections 5 and 6 of 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.**

I. 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.

J. 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.

K. 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, & 19.59; 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.

L. 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 survey, 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.**

M. 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., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

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.

N. 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

- (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.

O. Plan Implementation and 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 (Note: e.g., historic preservation, design review, site plan review).

(e) 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.

(f) 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.

(g) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.

(1) Zoning conditional use permits. The zoning administrator shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and determination as provided under section 10.0501 of the Town zoning ordinances.

(2) Subdivision review. Proposed plats under ch. 236, Wis. Stats. shall be referred to the Plan Commission for review and determination.

P. 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 to the Town Board:

(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

(1) street, alley or other public way;

(2) park or playground;

(3) airport;

(4) area for parking vehicles; or

(5) 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

- (1) public or semi-public housing;*
- (2) slum clearance;*
- (3) relief of congestion; or*
- (4) 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; the Town comprehensive plan under sec. 66.1001, Wis. Stats.; an official map under sec. 62.23(6); 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 to the Town Board:

(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.

3. Required referrals under this ordinance. In addition to referrals required by the Wisconsin statutes, the following matters shall be referred to the Plan Commission for determination:

(a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

(b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.

(c) A proposed driveway access ordinance or amendment.

(d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.

(e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control or stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under sec. V of ch. 91, Wis. Stats.,

(f) An application for a conditional use permit under the Town zoning ordinance.

(g) A proposed site plan under the Town Zoning Ordinance.

(h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(i) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

(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) Other (specify)

(s) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

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 county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment of 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. State., 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 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 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.

2.1200 ZONING BOARD OF APPEALS

2.1201 Authority and Establishment

Pursuant to Section 62.23 (7) (c) Wisconsin Statutes, there is hereby established a Zoning Board of Appeals for the Town of Pound for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of the Zoning Ordinance.

A. Membership

- 1. The Zoning Board of Appeals shall consist of 5 members appointed by the Town Chairperson and confirmed by the Town Board.**
- 2. Terms shall be for staggered 3-year periods.**
- 3. The Chairperson shall be elected by the Zoning Board of Appeals.**
- 4. An Alternate Member may be appointed by the Town Chairperson for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of a conflict of interest.**
- 5. The Secretary shall be elected by the Zoning Board of Appeals.**
- 6. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.**
- 7. Official Oaths shall be taken by all members in accordance with the Wisconsin Statutes within 10 days of receiving notice of their appointment.**
- 8. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.**

B. Organization

- 1. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this Ordinance.**
- 2. Meetings shall be held at the call of the Chairperson and shall be open to the public.**
- 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, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board of Appeals (Town Hall) and shall be a public record.**
- 4. The Concurring Vote of 4 members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a substituted use.**

C. Powers

- 1. The Zoning Board of Appeals shall have the following powers:**
- 2. 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 or Plan Commission.**
- 3. Variances. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions,**

a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.

4. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Plan Commission has made a review and recommendation.

5. 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 and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

6. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.

7. Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.

8. Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.

D. Appeals and Applications

1. Appeals from the decisions of the Zoning Administrator and Plan Commission concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, or board of the Town. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator and Town Plan Commission. Applications for other determinations by the Board of Appeals provided by this Ordinance may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following information:

2. Name and Address of the appellant or applicant and all abutting and opposite property owners of the record.

3. Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 10.0203 for a Zoning/Building Permit.

4. Additional Information required by the Town Board, Town Plan Commission, Zoning Board of Appeals, or Zoning Administrator.

E. Hearings

1. The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 10.1500 of this Ordinance. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

F. Findings

1. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

2. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated principal use, accessory use, or conditional use in that particular district.

3. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

4. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

5. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

6. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

G. Decisions

1. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, Plan Commission, and the Town Board.

2. Conditions may be placed upon any Zoning/Building Permit ordered or authorized by this Board.

3. Variances or Substitutions granted by the Board shall expire within 12 months unless substantial work has commenced pursuant to such grant.

H. Review by Court of Record

1. Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

2.1300 Effective Date

Following passage by the Town Board, the *Code of General Ordinances of the Town of Pound, Marinette*

County, Wisconsin shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.