

Chapter 12

BOARDS, COMMISSIONS AND COMMITTEES

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 2, Ch. 4, of the 1987 Village Code. Amendments noted where applicable.]

§ 12-1. Board of Review.

- A. Composition. The Board of Review shall consist of the Village President, the Clerk and three Trustees of the Village Board, who shall be annually appointed at the Board's organizational meeting. The President of the Village Board shall make the appointments, subject to the confirmation of the Board of Trustees, at said organizational meeting.
- B. Duties.
- (1) Duties. The duties and functions of the Board of Review shall be as prescribed in §§ 70.46 and 70.47, Wis. Stats.
 - (2) Compensation. Compensation for the members of the Board of Review shall be as is established by the Board of Trustees for such Village at the organizational meeting in April. Compensation shall include per diem, and may include a mileage quotation, if necessary.
- C. Meetings. The Village Board does hereby exercise its right to designate hours for the annual Board of Review proceedings as set forth in § 70.47(3)b, Wis. Stats. The Board may adjourn from day to day or from time to time until such time as its business is completed, providing that adequate notice of each adjournment is so given. [Amended 12-2-2019 by Ord. No. 12-05-2019¹]

§ 12-2. (Reserved)

§ 12-3. Zoning Board of Appeals.

- A. Establishment. A Zoning Board of Appeals shall be appointed as specified in § 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of

1. Editor's Note: Original Sec. 2-4-2 of the 1987 Village Code, Board of Health, which immediately followed this section, was repealed 12-2-2019 by Ord. No. 12-05-2019.

five members and two alternate members (refer to § 12-7 for requirements) appointed by the Village President subject to confirmation by the Village Board. The members shall serve without compensation and shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members Chairman. [Amended 12-2-2019 by Ord. No. 12-05-2019]

B. Powers. The Zoning Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Chapter 370, Floodplain Zoning, Chapter 377, Shoreland-Wetland Zoning, or Chapter 390, Zoning, of the Code of the Village of Black Creek. [Amended 12-2-2019 by Ord. No. 12-05-2019]
- (2) To hear and decide special exceptions to the terms of the Village zoning, shoreland-wetland zoning, and floodplain zoning regulations upon which the Board of Appeals is required to pass. [Amended 12-2-2019 by Ord. No. 12-05-2019]
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of Chapter 390, Zoning, shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.
- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of Chapter 390, Zoning, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises. If a quorum is present, the Board of Appeals may take action under this subsection by a majority vote of the members present. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order, unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

C. Meeting and rules. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Clerk-Treasurer and

shall be public record. The Board shall adopt its own rules of procedure not in conflict with this section or with the applicable Wisconsin Statutes.

- D. **Offices.** The Village Board shall provide suitable offices for holding for hearings and the preservation of records, documents, and accounts. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- E. **Appropriations.** The Village Board shall appropriate funds to carry out the duties of the Board, and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

§ 12-4. Plan Commission.

- A. **Composition.** The Village Plan Commission shall consist of the Village President, one Trustee, the Chairperson of the Buildings and Grounds Committee, and four citizens.
- B. **Appointment.**
 - (1) **Trustee member.** The Trustee member shall be annually appointed at the organizational meeting of the Village Board during the month of April of each year.
 - (2) **Citizen members.** The four regular citizen members (refer to § 12-7 for requirements) of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board. The original citizen members shall be appointed upon creation of the Commission and shall hold office for a period of one, two, three and four years, respectively, from the succeeding first day of May, and thereafter, annually during the month of April, such member shall be appointed for a term of four years.
- C. **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- D. **Duties.**
 - (1) **The Master Plan.**
 - (a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the Master Plan, subject to Village Board confirmation, for the physical development of the Village, including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The Master Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities,

whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- (b) The Commission may adopt the Master Plan as a whole by a single resolution or, as the work of making the whole Master Plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the Master Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (2) Matters referred to Plan Commission. The Village Board or officer of the Village having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility, whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Village Board, the Board or other public body or officer may take final action without it.
- (3) Miscellaneous powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make

examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board.

§ 12-5. Library Board.

A. Organization; terms.

- (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Village consisting of a five-member board. Upon their first appointment, the members shall be divided as nearly as practicable into two equal groups to serve for two- and three-year terms, respectively. Thereafter, each regular appointment shall be for a term of three years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made.
- (2) Terms of such members shall be from January first in the year of their appointment. No more than one member of the Village Board body shall at any one time be a member of the Library Board. Members shall be appointed by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located.
- (3) A majority of the membership of the Board shall constitute a quorum.
- (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within 30 days after the time designated in this section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

B. Duties and powers. The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in § 43.58, of the Wisconsin Statutes.

§ 12-6. General provisions regarding meetings and public notice.

A. Regular meetings; public notice. Every board, committee and commission created by or existing under the ordinances of the Village shall:

- (1) Fix a regular date, time and place for its meetings;
- (2) Publish notice in the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof; and/or
- (3) Post, at the Village Hall, an agenda of the matters to be taken up at such meeting. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- B. Special meetings. Nothing in Subsection A shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of § 19.81 to 19.89, Wis. Stats.
- C. Minutes. The secretary of each board, committee and commission shall file a copy of the meeting minutes of such board or commission with the Village Clerk-Treasurer.

§ 12-7. Residency required for service on boards or commissions; exception. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person not a resident of and not residing in the Village shall be appointed to any Village board or commission, except the Village Clerk-Treasurer. Any board or commission member who moves from the Village shall be removed from such board or commission.