

Chapter 2

TOWN GOVERNMENT

[HISTORY: Adopted by the Town Board of the Town of Linn 11-13-1995 (Ch. 2 of the 1995 Code). Amendments noted where applicable.]

§ 2-1. Composition of Town Board.

Pursuant to § 60.21, Wis. Stats., commencing in 1992, the Town Board of the Town of Linn shall be composed of the Town Chairman and four Supervisors. All terms of office shall be two years. The Town Chairman and two Supervisors shall be elected in odd-numbered years while the remaining Supervisors shall be elected in even-numbered years.

§ 2-2. Powers of Town Board.

Pursuant to resolution of the Town heretofore adopted and the provisions of § 60.22(3), Wis. Stats., the Town Board shall exercise all powers relating to villages and conferred on village boards by Ch. 61, Wis. Stats., except such power the exercise of which would conflict with the statutes relating to towns and town boards.

§ 2-3. Meetings.

- A. Regular Town Board meetings. Regular meetings of the Town Board shall be held on the second Monday of each month at 7:30 p.m. at the Town Hall, until changed by the Town Board.
- B. Special Town Board meetings. Special meetings of the Town Board may be held at any time upon call of the Chairman or any two members of the Town Board. Each member of the Town Board shall be given at least three days' notice of any special meeting by the Town Clerk/Treasurer, except that no notice thereof shall be required when all members of the Town Board are present at the meeting.
- C. Special Town meetings. Special meetings may be held for the purpose of transacting any lawful business which might be done at the annual meeting. Special meetings may be called by a Town meeting, by the Town Board, or on request, in writing, to the Town Clerk/Treasurer signed by a number of electors equal to not less than 10% of the votes cast in the Town for Governor at the last general election.¹

§ 2-4. Voting wards; voter registration.

- A. The Town of Linn is divided into five voting wards described and designated as

1. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

follows: [Amended 8-13-2001]

- (1) First Ward. All lands in Census Tract No. 1601 within the Town of Linn. In addition, the following census block numbers in Census Tract No. 1700: 1000, 1002, 2006 to 2010, 2016 to 2019, 2021, 2027 to 2029 and 2031 to 2048. Also, the following census block numbers in Census Tract No. 1602: 4000 to 4005, 4007 to 4011, 4014 to 4026, 4028 and 4029. Population: 931.
- (2) Second Ward. All lands in the following census blocks in Census Tract No. 1700: 2000 to 2005, 2011 to 2015, 2020, 2022 to 2026, 3081, 3083 and 5001. In addition, the following census block numbers in Census Tract No. 1602: 5004 to 5049. Population: 717.
- (3) Third Ward. All lands in the following census blocks in Census Tract No. 1602: 2011 to 2025, 2035, 3000 to 3002, 3004 to 3006, 3040 to 3043, 3052 and 3053. Population: 409.
- (4) Fourth Ward. All lands in the following census blocks in Census Tract No. 1602: 6038, 6039, 6999, 7033 and 7034. Population: 52.
- (5) Fifth Ward. All lands in the following census blocks in Census Tract No. 1602: 3007, 3008, 3038, 3039 and 3044. Population: 85.

B. The place where elections shall take place in each ward shall be as follows:

- (1) First Ward: Linn Town Hall, Zenda, Wisconsin.
- (2) Second Ward: Linn Town Hall, Zenda, Wisconsin.
- (3) Third Ward: Chapel on the Hill.
- (4) Fourth Ward: Linn Town Hall, Zenda, Wisconsin.
- (5) Fifth Ward: Chapel on the Hill.

C. Voter registration required. Every qualified elector who resides in the Town of Linn shall, as a prerequisite to voting in any primary or election conducted in the Town of Linn, register as an elector with the Clerk/Treasurer of the Town. [Amended 1-9-2006]

D. Application for registration. [Added 1-9-2006]

- (1) All applications for registration must be made to the Clerk/Treasurer of the Town of Linn during established office hours, except that registration for any election conducted in the Town of Linn shall close at 5:00 p.m. on the third Wednesday preceding the election.²
- (2) For the first election held after registration is required or adopted, any qualified elector may register in compliance with Subsection D(1) or may register at the polls the day of the election and vote in the election being conducted.

2. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- (3) No name may be added to the registration list after the close of registration, but any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with § 6.29 or 6.55, Wis. Stats.
- E. Registration procedures, requirements and restrictions. The Town of Linn, in registering of electors, shall use the applicable registration procedures and comply with the applicable registration requirements and restrictions as set forth in §§ 6.25 to 6.57, Wis. Stats., and any other applicable state statute or any revisions, amendments or additions thereto. [Added 1-9-2006]
- F. Voter registration representatives. The voter registration shall be done by representatives of each of the five voting wards, and such representatives shall be appointed by the Town Board every even year. [Added 1-9-2006]
- G. Construction. Nothing in this section shall be construed to extend the right to vote to any individual or individuals who would not otherwise be entitled to vote in a primary or election held in the Town of Linn. [Added 1-9-2006]

§ 2-5. Municipal Court. [Amended 9-13-2004; 8-14-2006]

- A. Municipal Court created. There is hereby created and established a Municipal Court under the provisions of Ch. 755, Wis. Stats., to be designated as the "Municipal Court for the Town of Linn."
- B. Jurisdiction of Municipal Judge. The Municipal Judge of the Municipal Court shall have jurisdiction as provided under §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided under state law.
- C. Contempt powers. The Municipal Judge of the Municipal Court shall have those contempt powers delineated in § 800.12(1) and (2), Wis. Stats.
- D. State statutes adopted. All provisions of §§ 938.343, 938.344, 938.355(6)(d)2 through 5, and 938.17, Wis. Stats., including any future revisions or amendments thereto, are hereby adopted and by reference made part of this section as if fully set forth herein.
- E. Term. The term of office for the Municipal Judge shall be two years. The term shall commence May 1 of the year of the Judge's election.
- F. Sessions of Court. The Municipal Court shall be in session as provided under § 755.06, Wis. Stats.
- G. Effective date. The Municipal Court for the Town of Linn shall become effective May 1, 2005.

§ 2-6. Emergency management. ³

- A. Adoption of county program. The Town of Linn hereby adopts the Walworth

3. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

County Program for Emergency Management.

- B. Town Emergency Management Director. There is created the office of Town Emergency Management Director for the Town of Linn. The Town of Linn Emergency Management Director shall have all those duties and responsibilities of an emergency director as provided for in § 66.0301, Wis. Stats.
- C. Salary, term and appointment.
 - (1) The salary of the Director shall be as determined by the Town Board.
 - (2) The term shall be one year.
 - (3) The Director shall be appointed by the Town Board.
- D. Duties. The Emergency Management Director of the Town of Linn, in addition to those duties and responsibilities enumerated in § 66.0301, Wis. Stats., and § 6-16 of this Code, shall have the following duties. The Director shall:
 - (1) Direct the Town Emergency Management Organization.
 - (2) Develop, promulgate, and integrate into the county plan emergency management plans for the operating services of the Town.
 - (3) Direct participation of the Town in such emergency management training programs and exercises as may be required on the county level or by the Administrator of the State Division of Emergency Management.
 - (4) Direct the Town emergency management training programs and exercises.
 - (5) Perform such other duties relating to emergency management as may be required by the Town governing body.

§ 2-7. Public records.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

AUTHORITY — Any of the following Town entities having custody of a Town record: an office, elected official, agency, board, commission, municipal court, committee, council, department or other authority as enumerated in § 19.32(1), Wis. Stats., or public body corporate and politic created by constitution, law, ordinance, rule or order, or a formally constituted subunit of the foregoing.

CUSTODIAN — That officer, department head, division head, or employee of the Town designated under Subsection C below or otherwise responsible by law to keep and preserve Town records or file, deposit or keep such records in his or her office or who is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

RECORD — Any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record"

includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.⁴

B. Duty to maintain records.

- (1) Except as provided under Subsection G of this section, each officer and employee of the Town shall safely keep all records received from their predecessors. They shall also safely keep all records required by law to be filed, deposited or kept in their office or which are in the lawful possession or control of their office.
- (2) Upon the expiration of one's term of office or employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody. The successor shall then give a receipt to the officer or employee, who shall file the receipt with the Town Clerk/Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to the Town Clerk/Treasurer.

C. Legal custodian.

- (1) The Town Clerk/Treasurer shall be the legal custodian of all Town records.
- (2) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority pursuant to § 19.33, Wis. Stats., and this section.

D. Public access to records.

- (1) Except as provided in Subsection F of this section, any person has a right to inspect a record and to make or receive a copy of any record as provided in § 19.35(1), Wis. Stats.
- (2) Records will be available for inspection and copying during all regular office hours.
- (3) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon 48 hours' notice.
- (4) A requester shall be permitted to use facilities comparable to those available to Town employees to inspect, copy or abstract a record, pursuant to §

4. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

19.35(2), Wis. Stats.

- (5) The legal custodian may require supervision during inspection and may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (6) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - (a) The cost of photocopying shall be determined by the Town Clerk/Treasurer.
 - (b) If the form of a written record does not permit photocopying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (c) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
 - (d) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (e) There shall be no charge for locating a record unless the actual cost exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (f) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.
 - (g) Elected and appointed officials of the Town of Linn shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- (7) Pursuant to § 19.34, Wis. Stats., each authority shall adopt, prominently display, and make available for inspection and copying at its offices a notice containing a description of its organization and the procedure by which the public may obtain access to records in its custody. This subsection does not apply to members of the Town Board.

E. Access procedures.

- (1) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused

because the request is received by mail, unless prepayment of a fee is required under Subsection D(6)(f) of this section. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

- (2) Each custodian, upon request for any record, shall, as soon as practicable, either fill the request or notify the requester of the reasons for denying the request. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.
- (3) A request for a record may be denied as provided in this section. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons for denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

F. Limitations on right to access.

- (1) As provided by § 19.36, Wis. Stats., the following records are exempt from inspection under this section:
 - (a) Records specifically exempted from disclosure by state and federal law or authorized to be exempted from disclosure by state law;
 - (b) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (c) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
 - (d) A record or any portion of a record containing information qualifying as a common law trade secret.
- (2) As provided by § 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- (3) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request, in whole or in part, only if he determines that there is harm to the public interest in full access to the

requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

- (a) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (b) Records of current deliberations after a quasi-judicial hearing.
 - (c) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Town officer or employee or the investigation of charges against a Town officer or employee, unless such officer or employee consents to such disclosure.
 - (d) Records concerning current strategy for crime detection or prevention.
 - (e) Records of current deliberations or negotiations on the purchase of Town property, investing of Town funds, or other Town business whenever competitive or bargaining reasons require nondisclosure.
 - (f) Financial, medical, social, or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (g) Communications between legal counsel for the Town and any officer, agent or employee of the Town when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agents or employees is or is likely to become involved or communications which are privileged under § 905.03, Wis. Stats.
- (4) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Town Attorney prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If in the judgment of the custodian and the Town Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

G. Destruction of records.

- (1) Town officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a

shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats.:

- (a) Bank statements;
 - (b) Canceled checks;
 - (c) Receipt forms; and
 - (d) Vouchers.
- (2) Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations. However, these records shall not be destroyed less than seven years from the date they became effective, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:
- (a) Contracts;
 - (b) Excavation permits; and
 - (c) Inspection records.
- (3) Town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective, unless another period has been set by statute:
- (a) Old insurance policies;
 - (b) Election notices; and
 - (c) Canceled registration cards.
- (4) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given to the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.
- (5) Any tape recordings of a governmental meeting of the Town may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

H. Preservation through microfilm. Any Town officer or the director of any department or division of Town government may, subject to the approval of the Town Board, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open

to public inspection and copying according to the provisions of state law and of Subsections D through F of this section.

§ 2-8. Lake Use Director.

- A. Office of Lake Use Director created. There is created the office of Lake Use Director for the Town of Linn.
- B. Salary, term and appointment.
 - (1) There shall be no salary for the Lake Use Director.
 - (2) The term shall be set by the Town Board from time to time.
 - (3) The Lake Use Director shall be appointed by the Town Board.
- C. Duties.
 - (1) The Lake Use Director shall have the authority to review and sign all designated mooring area applications created by the Town under § 30.773, Wis. Stats., together with the authority to review and make recommendations as to whether or not any mooring buoy permit should be granted or denied.
 - (2) The Lake Use Director shall advise and make recommendations to the Town with regard to any matters regarding the use of the waters of Geneva Lake within the jurisdiction of the Town of Linn.

§ 2-9. Highway Superintendent.

- A. Office of Highway Superintendent created. There is hereby created the office of Highway Superintendent for the Town of Linn, Walworth County, Wisconsin.
- B. Salary, term and appointment.
 - (1) The salary for said Highway Superintendent shall be determined by the Town Board from time to time and at its discretion.
 - (2) The term shall be for three years.
 - (3) The Highway Superintendent shall be appointed by the Town Board for each term that the Highway Superintendent serves.
- C. Duties.
 - (1) The Highway Superintendent shall have the authority to supervise, under the direction of the Town Board, the construction and repair of Town highways and bridges and such other duties as the Town Board deems necessary.
 - (2) The Highway Superintendent shall advise and make recommendations to the Town with regard to any matters regarding Town roads and bridges.

§ 2-10. Payment of tax refunds and vouchers. [Added 12-14-1998]

- A. Purpose, intent and authority. It is the declared intent of this section that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this section within 15 business days of the payment. Further, it is the declared intent that this section be adopted to provide the Town Clerk/Treasurer with the authority to pay certain bills and vouchers pursuant to § 60.44, Wis. Stats.
- B. Required procedures of Clerk/Treasurer upon payment of excess over tax bill amount. Pursuant to § 60.34, Wis. Stats., upon receipt of tax payments in excess of the tax bill, the Town Clerk/Treasurer shall deposit as soon as practicable all payments in the name of the Town in public depositories designated by the Town Board. Upon verification by the Town Clerk/Treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than eight days after depositing, the Town Clerk/Treasurer shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:
- (1) Funds are available to pay the bill, assuming the tax payment has cleared and not been returned.
 - (2) The Town Board has authorized the refund of excess tax payments as established by the adoption of this section.
 - (3) The refund is due in the amount noticed by the Town Clerk/Treasurer as a tax payment in excess of the amount of the tax bill.
 - (4) The refund is a valid claim against the Town, being a payment in excess of the tax bill amount. Further, the Town Clerk/Treasurer shall prepare monthly, to be submitted to the Town Board at each monthly Board meeting, a list of claims paid under this procedure, listing the amount of the claim, the date paid, the name of the taxpayer/claimant, and that the payment was a refund for excess tax payment.
- C. Issuance of disbursement from local treasury. Upon approval of a voucher or proper authorization by the Town Clerk/Treasurer under the procedures listed in Subsection B of this section, a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the Town Clerk/Treasurer and countersigned by the Town Chairman, pursuant to § 66.0607, Wis. Stats., and shall be issued not later than 15 business days from the date the tax payment was received by the Town Clerk/Treasurer.
- D. Mailing or delivery of refund check to taxpayer/claimant. Upon issuance of the proper countersigned refund check, pursuant to the procedures in this section, the refund check shall be delivered to the taxpayer/claimant or mailed to the last known mailing address of the taxpayer/claimant by the Town Clerk/Treasurer.
- E. Authority of Town Clerk/Treasurer to pay other vouchers. The Town Clerk/Treasurer shall have the authority to pay any bills or vouchers which she customarily receives and which are due and payable prior to the monthly Town Board meeting. Payment shall be made under the procedures contained in

Subsections B(4), C and D of this section.

§ 2-11. Sanitary District Commissioners. [Added 1-11-1999]

- A. Compensation. Pursuant to § 60.77(3), Wis. Stats., the Commissioners of the Linn Sanitary District shall be compensated in the amount of \$25 per meeting, but no less than \$100 per month for the President of the District and no less than \$50 per month for the additional two Commissioners of the District.
- B. Actual and necessary expenses. In addition to the compensation set forth in Subsection A above, all three Commissioners of the District shall receive actual and necessary expenses incurred while in the performance of their Commissioner duties. "Actual" and "necessary" expenses shall be deemed solely at the discretion of the Town Board of the Town of Linn.

§ 2-12. Mutual aid box alarm system. [Added 4-10-2000]

- A. There is, pursuant to §§ 61.65 and 66.0301, Wis. Stats., hereby created an emergency mutual aid response for the purpose of providing communicative procedures and other necessary functions to further the provision of protection of life and property from an emergency or disaster.
- B. The Town Chairman and Town Clerk/Treasurer shall execute an agreement for participation in the mutual aid box alarm system.

§ 2-13. Board of Review. [Added 5-8-2000]

- A. Composition of the Board of Review. The Board of Review for the Town of Linn shall consist of the Town Board of the Town of Linn and the Clerk/Treasurer of the Town of Linn.
- B. Meetings. All meetings of the Board of Review shall be publicly held in accordance with § 70.47, Wis. Stats.
- C. Officers. Members of the Board of Review shall elect a Chairman at the first meeting of the Board. The Town Clerk/Treasurer shall be the Clerk for the Board, who shall keep accurate records of all proceedings and shall give necessary notices as required by law.
- D. Procedures. Procedures set forth in § 70.47, Wis. Stats., shall govern procedures of the Board of Review.
- E. Objections to valuations. All objections to the amount or the valuation of real or personal property must be made in writing on forms which are available from the Town Clerk/Treasurer and must be filed with the Clerk/Treasurer prior to close of public hearings by the Board.
- F. Confidentiality of information. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats., or any successor statute thereto, then such income and

expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis; except, however, that the information may be revealed to and used by persons in the discharge of duties imposed by law, in the discharge of duties imposed by office (including but not limited to use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties), or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per § 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

§ 2-14. Plan Commission. [Added 7-14-2003]

- A. Plan Commission created. There is hereby created the Town of Linn Plan Commission.
- B. Commission members. The Commission shall consist of seven members. All members of the Commission shall be appointed by the Town Chairman, who shall also appoint the presiding officer of the Commission. All members appointed by the Town Chairman must be approved by the Town Board. The Town Chairman may appoint himself or herself to the Commission and may appoint other Town elected or appointed officials, except that the Commission shall always have at least three citizen members who are not Town officials. Citizen members shall be persons of recognized experience and qualifications.
- C. Commission terms. Citizen members shall be appointed to hold office for a three-year period. However, those initially appointed will serve terms of one, two, and three years, respectively. Appointments shall be made by the Town Chairman during the month of May for terms that expire in May for a period of three years, or at any other time if a vacancy occurs during the middle of a term.
- D. Powers and duties. The Plan Commission shall have such powers and duties as provided in § 62.23, Wis. Stats., and the following:⁵
 - (1) The Commission shall make reports and recommendations concerning the Town Comprehensive Plan, community development, public improvements and the financing of public improvements in accordance with § 62.23(4), Wis. Stats., to enable it to perform its functions and promote Town planning.
 - (2) The Commission shall review and recommend, prior to a final action by the Town Board, the following in accordance with § 62.23(5) Wis. Stats.:
 - (a) All plats of lands in the Town limits.
 - (b) Amendments to the zoning district boundaries or regulations.
 - (c) Changes or additions to the Official Map.

5. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- (d) All variance and conditional use applications and rezoning requests.
- E. Compensation. The members of the Town of Linn Plan Commission shall receive a car allowance reimbursement from the Town of Linn in an amount equal to the current Internal Revenue Service rate per mile for mileage driven to and from a person's property they are required to view pursuant to procedures adopted by the Town Board for the Town of Linn Plan Commission. [Added 2-9-2004]

§ 2-15. Comprehensive Plan. [Added 6-28-2004]

- A. Authority. Pursuant to § 62.23(2) and (3), Wis. Stats, the Town Board of the Town of Linn is authorized to prepare and adopt a comprehensive plan as defined in § 66.1001(1)(a), Wis. Stats.
- B. Written procedures. The Town Board has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by § 66.1001(4)(a), Wis. Stats.
- C. Adoption by Plan Commission. The Plan Commission of the Town of Linn, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document titled "Comprehensive Plan of the Town of Linn" containing all of the elements specified in § 66.1001(2), Wis. Stats.
- D. Public hearing. The Town of Linn has held at least one public hearing on this section, in compliance with the requirements of § 66.1001(4)(d), Wis. Stats.
- E. Adoption of plan. The Town Board of the Town of Linn does by enactment of this section formally adopt the document titled "Comprehensive Plan of the Town of Linn," the official copy of which shall be identified by the Clerk/Treasurer as "Adopted Version," dated June 25, 2004, and subject to any modifications to the version previously noticed for hearing that have been approved or authorized by this Town Board prior to adoption of this section, pursuant to § 66.1001(4)(c), Wis. Stats.

§ 2-16. Weed Commissioner.⁶

- A. Office of Weed Commissioner created. There is hereby created, pursuant to § 66.0517, Wis. Stats., the office of Weed Commissioner.
- B. Powers and duties. The Weed Commissioner shall investigate the existence of noxious weeds in the Town of Linn. If a person in the Town of Linn neglects to destroy noxious weeds as required under § 66.0407(3), Wis. Stats., the Weed Commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner. The Weed Commissioner may enter upon any lands that are not exempt under § 66.0407, Wis. Stats., and cut or destroy noxious weeds without being liable to an action for trespass or any other action for damages resulting from

⁶. Editor's Note: Added at time of adoption of Code (see Code Adoption Ordinance).

the entry and destruction, if reasonable care is exercised.

- C. Term. On or before May 15 of each year, the Town Chairman shall appoint a Weed Commissioner who shall hold office for one year.