

**CHAPTER 232, Laws of 1975**

AN ACT to amend 144.26 (2) (d); and to create 87.30 (1m) of the statutes, relating to exempting lands adjacent to certain farm drainage ditches from flood plain and shoreland zoning jurisdiction.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 87.30 (1m) of the statutes is created to read:

87.30 (1m) JURISDICTION OVER DRAINAGE DITCHES LIMITED. Notwithstanding any other provision of law or administrative rule promulgated thereunder, a flood plain zoning ordinance required under sub. (1) does not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not within the flood plain of a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and

(c) Such lands are maintained in nonstructural agricultural use.

SECTION 2. 144.26 (2) (d) of the statutes is amended to read:

144.26 (2) (d) "Navigable water" or "navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Notwithstanding any other provision of law or administrative rule promulgated thereunder, a shoreland zoning ordinance required under s. 59.971 and this section does not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river;

2. Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and

3. Such lands are maintained in nonstructural agricultural use.