



2013 ASSEMBLY BILL 483

November 1, 2013 - Introduced by Representatives KOOYENGA, LOUDENBECK, HUTTON, NASS and BERNIER. Referred to Committee on Urban and Local Affairs.

- 1 **AN ACT to amend** 85.193 (2) (intro.); and **to create** 85.193 (3) of the statutes;
2 **relating to:** local ordinances regulating borrow sites and material disposal
3 sites for certain transportation projects.

Analysis by the Legislative Reference Bureau

Under current law, a zoning ordinance enacted by a county, city, village, or town (political subdivision) may not apply to a borrow site or material disposal site operated in connection with a transportation project if certain criteria are satisfied. A “transportation project” is a construction or maintenance project directed and supervised by the Department of Transportation (DOT) that affects the waters of this state and is therefore subject to an interdepartmental agreement between DOT and the Department of Natural Resources. A “borrow site” is a site off of transportation project property from which soil, gravel, or similar material used in the construction of earthworks (borrow) is excavated for use in the transportation project. A “material disposal site” is a site off of the transportation project property used to dispose of surplus materials from the project and that is under control of the project contractor or subcontractor, but does not include a general-use landfill. Among the criteria that must be satisfied for a zoning ordinance not to apply to a borrow site or material disposal site are that the site is used solely for the transportation project and that the transportation project contractor is responsible for the operation of the site. When a state law precludes applicability of a local ordinance, this is often referred to as preemption.

This bill creates exceptions to the preemption under current law of local zoning ordinances relating to borrow sites and material disposal sites as discussed above.

