



## 2021 SENATE BILL 521

August 26, 2021 - Introduced by Senator TESTIN, cosponsored by Representative KRUG. Referred to Committee on Housing, Commerce and Trade.

- 1     **AN ACT to create** 87.30 (1s) of the statutes; **relating to:** regulation of structures  
2             and accessory structures in floodplains.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits the Department of Natural Resources from restricting certain structures and accessory structures in a floodplain.

Current law requires local units of government to enact floodplain zoning ordinances and generally prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance. Floodplain zoning ordinances are subject to statutory requirements and the requirements of rules promulgated by DNR.

The bill provides that DNR may not promulgate a rule or impose a restriction that 1) results in an ordinance containing provisions for structures that are more restrictive than those imposed by the Federal Emergency Management Agency or 2) allows DNR to deny an exception for structures or accessory structures for which FEMA has granted an exception. Under DNR rules, "structure" means "any man-made object with form, shape, and utility, either permanently or temporarily attached to or placed upon the ground, river bed, stream bed, or lakebed" and "accessory structure" means "any facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building."

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

