AN ACT to create 88.21 (14) of the statutes; relating to: authorizing a drainage district to impose setback distances or no-build zones related to drain maintenance.

Analysis by the Legislative Reference Bureau

Generally under current law, a city, village, town, or county may enact zoning ordinances and engage in land use planning activities. Also under current law, a drainage district is authorized to maintain and repair all drains within the district’s jurisdiction.

Under this bill, a drainage board may issue an order that imposes a mandatory setback distance for the construction of a structure near the main drain of a district, or creates a no-build zone near such a drain, to ensure that the drainage board has sufficient access to the drain to maintain and repair it. Any order issued by the drainage board must be consistent with local zoning ordinances. The order must be recorded with the register of deeds of any affected county and the drainage board must also notify affected local plan commissions.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
SECTION 1. 88.21 (14) of the statutes is created to read:

88.21 (14) Consistent with an ordinance enacted under s. 59.69 (4), 60.61 (2), 60.62 (1), 61.35, or 62.23 (7), issue an order under sub. (12) that imposes a mandatory setback distance for the construction of a structure near the main drain in a district, or creates a no-build zone near the main drain in a district, for the purpose of providing sufficient access to the drain for the board to maintain or repair the drain. If an order is issued under this subsection, the secretary of the drainage board shall record the order with the register of deeds of any county that contains territory that is affected by the order and shall also send a copy of the order to a county planning agency and municipal plan commission, or equivalent body, whose county or municipality contains territory affected by the order.

SECTION 2. Initial applicability.

(1) This act first applies to a structure for which the building permit is issued on the effective date of this subsection.