

1991 Senate Bill 378

Date of enactment: **April 27, 1992**
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1991 WISCONSIN ACT 255

AN ACT *to amend* 59.97 (4) (intro.), 60.61 (2) (intro.) and 62.23 (7) (a); and *to create* 59.97 (4e), 60.61 (3m) and 62.23 (7) (hm) of the statutes, **relating to:** prohibiting local zoning regulations that interfere with any repair or expansion of existing migrant labor camps.

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

SECTION 1. 59.97 (4) (intro.) of the statutes is amended to read:

59.97 (4) EXTENT OF POWER. (intro.) For the purpose of promoting the public health, safety and the general welfare the county board of any county may by ordinance effective within the areas within such county outside the limits of incorporated villages and cities establish districts of such number, shape and area, and adopt such regulations for each such district as the county board shall deem best suited to carry out the purposes of this section. The powers granted by this section shall be exercised through an ordinance which may, subject to sub. (4e), determine, establish, regulate and restrict:

SECTION 2. 59.97 (4e) of the statutes is created to read:

59.97 (4e) MIGRANT LABOR CAMPS. The board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on the effective date of this subsection [revisor inserts date], if the repair or expansion is required by an administrative rule promulgated by the department of industry, labor and human relations under ss. 103.90 to 103.97. An ordinance or resolution of the county that is in effect on the effective date of this subsection [revisor inserts date], and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

SECTION 3. 60.61 (2) (intro.) of the statutes is amended to read:

60.61 (2) EXTENT OF AUTHORITY. (intro.) Subject to ~~sub. (3)~~ subs. (3) and (3m), if a town is located in a county which has not adopted a county zoning ordinance under s. 59.97, the town board, by ordinance, may:

SECTION 4. 60.61 (3m) of the statutes is created to read:

60.61 (3m) MIGRANT LABOR CAMPS. The town board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on the effective date of this subsection [revisor inserts date], if the repair or expansion is required by an administrative rule promulgated by the department of industry, labor and human relations under ss. 103.90 to 103.97. An ordinance or resolution of the town that is in effect on the effective date of this subsection [revisor inserts date], and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

SECTION 5. 62.23 (7) (a) of the statutes is amended to read:

62.23 (7) (a) *Grant of power.* For the purpose of promoting health, safety, morals or the general welfare of the community, the council may regulate and restrict by ordinance, subject to par. (hm), the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for

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trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This subsection and any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated. This subsection may not be deemed a limitation of any power granted elsewhere.

SECTION 6. 62.23 (7) (hm) of the statutes is created to read:

62.23 (7) (hm) *Migrant labor camps.* The council of a city may not enact an ordinance or adopt a resolution

that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on the effective date of this paragraph [revisor inserts date], if the repair or expansion is required by an administrative rule promulgated by the department of industry, labor and human relations under ss. 103.90 to 103.97. An ordinance or resolution of a city that is in effect on the effective date of this paragraph [revisor inserts date], and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.
