

State of Misconsin 2007 - 2008 LEGISLATURE

LRB-0606/1 MES:jld:nwn

2007 ASSEMBLY BILL 119

February 22, 2007 – Introduced by Representatives Albers, Molepske, Townsend, A. Ott, Mursau and Hahn, cosponsored by Senators S. Fitzgerald, Lassa, Olsen and Schultz. Referred to Committee on Agriculture.

1 AN ACT *to create* 88.21 (14) of the statutes; **relating to:** authorizing a drainage 2 district to impose setback distances or no-build zones related to drain 3 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:

2007 – 2008 Legislature

ASSEMBLY BILL 119

1	SECTION 1. 88.21 (14) of the statutes is created to read:
2	88.21 (14) Consistent with an ordinance enacted under s. 59.69 (4), 60.61 (2),
3	60.62(1), 61.35, or 62.23(7), issue an order under sub. (12) that imposes a mandatory
4	setback distance for the construction of a structure near the main drain in a district,
5	or creates a no-build zone near the main drain in a district, for the purpose of
6	providing sufficient access to the drain for the board to maintain or repair the drain.
7	If an order is issued under this subsection, the secretary of the drainage board shall
8	record the order with the register of deeds of any county that contains territory that
9	is affected by the order and shall also send a copy of the order to a county planning
10	agency and municipal plan commission, or equivalent body, whose county or
11	municipality contains territory affected by the order.
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SECTION 2. Initial applicability.

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

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(END)