



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:

