## State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3328/1 EVM:amn

## 2019 ASSEMBLY BILL 277

June 7, 2019 - Introduced by Representatives Sanfelippo, Brandtjen, Gundrum, Hutton, Knodl, Kuglitsch, Magnafici, Neylon, Ott, Ramthun, Tusler, Wichgers and Allen, cosponsored by Senators Tiffany, Craig, Kapenga, Nass, Stroebel and Bernier. Referred to Committee on Transportation.

AN ACT to renumber 85.193 (1) (a); to amend 85.193 (title) and 85.193 (2)

(intro.); and to create 85.193 (1) (ag) and 85.193 (1) (bg) of the statutes;

relating to: exemption from local zoning ordinances for certain transportation

project aggregate and concrete production sites.

## Analysis by the Legislative Reference Bureau

Under current law, borrow sites and material disposal sites used for certain transportation projects are exempt from certain local zoning ordinances. A borrow site is, in general, a site from which soil, stone, gravel, or other similar material is excavated. A material disposal site is, in general, a site that is used for the lawful disposal of surplus materials from a project. These sites qualify for the exemption if all of the following apply: 1) the owner of the property consents to the establishment of a site on his or her property; 2) the Department of Transportation determines that the site is not a commercial establishment with a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products; 3) the project contractor assumes sole responsibility for the operation of the site; 4) the site is used solely for the project and solely during the period of construction of the project; 5) the project contractor does not manufacture finished aggregate products from the materials excavated at the borrow site; and 6) the transportation project contractor agrees to comply with certain safety and remediation requirements.

This bill adds aggregate sites and construction batch sites to the exemption described above. Aggregate sites are sites from which aggregate is excavated or

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excavated and processed. Concrete batch sites are temporary facilities at which ingredients are combined to produce concrete for use in the transportation project.

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

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

2	85.193 (title) Borrow Material acquisition, preparation, and material
3	disposal sites for transportation projects.

**Section 1.** 85.193 (title) of the statutes is amended to read:

- **SECTION 2.** 85.193 (1) (a) of the statutes is renumbered 85.193 (1) (ax).
- **Section 3.** 85.193 (1) (ag) of the statutes is created to read:
  - 85.193 (1) (ag) "Aggregate site" means a site off the transportation project property from which aggregate for use in a transportation project is excavated or excavated and processed.
    - **SECTION 4.** 85.193 (1) (bg) of the statutes is created to read:
  - 85.193 (1) (bg) "Concrete batch site" means a temporary facility located off of the transportation project property at which ingredients are combined to produce concrete for use in a transportation project.
- **Section 5.** 85.193 (2) (intro.) of the statutes is amended to read:
  - 85.193 (2) EXEMPTION FROM LOCAL ZONING. (intro.) No zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35, or 62.23 may apply to a an aggregate site, borrow site, concrete batch site, or material disposal site if all of the following apply:

17 (END)