



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1806/1
MES:emw&jld

2017 ASSEMBLY BILL 161

March 20, 2017 - Introduced by Representatives OTT, QUINN, KRUG, TITTL, BERCEAU, JACQUE and SKOWRONSKI, cosponsored by Senators STROEBEL, TESTIN and CARPENTER. Referred to Committee on Energy and Utilities.

1 **AN ACT to create** 66.0404 (4e) of the statutes; **relating to:** authorizing a political
2 subdivision to impose setback requirements for certain mobile service support
3 structures.

Analysis by the Legislative Reference Bureau

Generally, under current law, a political subdivision may not impose a setback requirement for a mobile service support structure. This bill grants a political subdivision limited authority to impose a setback requirement on the placement of such a structure. Under the bill, a requirement could apply only to a structure that is constructed on land that is zoned for residential use. In addition, the setback requirement must be based on the height of the proposed structure, and the requirement may not exceed the height of the proposed structure.

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 Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 66.0404 (4e) of the statutes is created to read:
5 66.0404 (4e) SETBACK REQUIREMENTS. (a) Notwithstanding the provisions of
6 sub. (4) (r), and subject to the provisions of this subsection, a political subdivision

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1 may enact an ordinance imposing setback requirements related to the placement of
2 a mobile service support structure.

3 (b) A setback requirement may apply only to a mobile service support structure
4 that is constructed on a parcel of land that is subject to a zoning ordinance that
5 permits residential use on that parcel.

6 (c) Setback requirements may create setbacks only from the lot line of a parcel
7 that is in residential use or for which residential use is a permitted use.

8 (d) A setback requirement must be based on the height of the proposed mobile
9 service support structure, and the setback requirement may not be a distance that
10 is greater than the height of the proposed structure.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to an application for a building permit, or any other
13 kind of permit, to construct a new mobile service support structure that is filed with
14 a political subdivision on the effective date of this subsection.

15 (END)