

## 2005 ASSEMBLY BILL 155

1     **AN ACT** *to amend* 59.69 (10) (a), 60.61 (5) (a) and 62.23 (7) (h); and *to create*  
2             59.69 (10) (e), 60.61 (5) (e) and 62.23 (7) (hg) of the statutes; **relating to:** a  
3             municipality's and county's ability to eliminate certain nonconforming  
4             buildings or premises.

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*Analysis by the Legislative Reference Bureau*

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

5             **SECTION 1.** 59.69 (10) (a) of the statutes is amended to read:  
6             59.69 **(10)** (a) An ordinance enacted under this section may not prohibit the  
7             continuance of the lawful use of any building ~~or~~ premises, structure, or fixture for  
8             any trade or industry for which such building ~~or~~ premises, structure, or fixture is  
9             used at the time that the ordinances take effect, but the alteration of, or addition to,  
10            or repair in excess of 50% 50 percent of its assessed value of any existing building ~~or~~

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1 premises, structure, or fixture for the purpose of carrying on any prohibited trade or  
2 new industry within the district where such buildings ~~or~~ premises, structures, or  
3 fixtures are located, may be prohibited. The continuance of the nonconforming use  
4 of a temporary structure may be prohibited. If the nonconforming use is  
5 discontinued for a period of 12 months, any future use of the building ~~and~~ premises,  
6 structure, or fixture shall conform to the ordinance.

7 **SECTION 2.** 59.69 (10) (e) of the statutes is created to read:

8 59.69 **(10)** (e) 1. In this paragraph, “amortization ordinance” means an  
9 ordinance that allows the continuance of the lawful use of a nonconforming building,  
10 premises, structure, or fixture that may be lawfully used as described under par. (a),  
11 but only for a specified period of time, after which the lawful use of such building,  
12 premises, structure, or fixture must be discontinued without the payment of just  
13 compensation.

14 2. Subject to par. (a), an ordinance enacted under this section may not require  
15 the removal of a nonconforming building, premises, structure, or fixture by an  
16 amortization ordinance.

17 **SECTION 3.** 60.61 (5) (a) of the statutes is amended to read:

18 60.61 **(5)** (a) An ordinance adopted under this section may not prohibit the  
19 continued use of any building ~~or~~ premises, structure, or fixture for any trade or  
20 industry for which the building ~~or~~ premises, structure, or fixture is used when the  
21 ordinance takes effect. An ordinance adopted under this section may prohibit the  
22 alteration of, or addition to, any existing building ~~or~~ premises, structure, or fixture  
23 used to carry on an otherwise prohibited trade or industry within the district. If a  
24 use that does not conform to an ordinance adopted under this section is discontinued

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1 for a period of 12 months, any future use of the land, building ~~or~~, premises, structure,  
2 or fixture shall conform to the ordinance.

3 **SECTION 4.** 60.61 (5) (e) of the statutes is created to read:

4 60.61 (5) (e) 1. In this paragraph, “amortization ordinance” means an  
5 ordinance that allows the continuance of the lawful use of a nonconforming building,  
6 premises, structure, or fixture that may be lawfully used as described under par. (a),  
7 but only for a specified period of time, after which the lawful use of such building,  
8 premises, structure, or fixture must be discontinued without the payment of just  
9 compensation.

10 2. Subject to par. (a), an ordinance enacted under this section may not require  
11 the removal of a nonconforming building, premises, structure, or fixture by an  
12 amortization ordinance.

13 **SECTION 5.** 62.23 (7) (h) of the statutes is amended to read:

14 62.23 (7) (h) *Nonconforming uses.* The continued lawful use of a building ~~or~~,  
15 premises, structure, or fixture existing at the time of the adoption or amendment of  
16 a zoning ordinance may not be ~~continued~~ prohibited although ~~such~~ the use does not  
17 conform with the provisions of the ordinance. ~~Such~~ The nonconforming use may not  
18 be extended. The total structural repairs or alterations in such a nonconforming  
19 building, premises, structure, or fixture shall not during its life exceed 50 ~~per cent~~  
20 percent of the assessed value of the building, premises, structure, or fixture unless  
21 permanently changed to a conforming use. If ~~such~~ the nonconforming use is  
22 discontinued for a period of 12 months, any future use of the building ~~and~~, premises,  
23 structure, or fixture shall conform to the ordinance.

24 **SECTION 6.** 62.23 (7) (hg) of the statutes is created to read:

