

2005 SENATE BILL 253

1 **AN ACT** *to amend* 59.692 (1s) (a) 2.; and *to create* 59.69 (10m), 60.61 (5m), 61.351
2 (5m), 62.23 (7) (hc) and 62.231 (5m) of the statutes; **relating to:** authorizing the
3 restoration of a nonconforming structure that is destroyed by vandalism or
4 certain natural forces.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 59.69 (10m) of the statutes is created to read:
6 **59.69 (10m)** RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a)
7 Restrictions that are applicable to damaged or destroyed nonconforming structures
8 and that are contained in an ordinance enacted under this section may not prohibit
9 the restoration of a nonconforming structure if the structure will be restored to the
10 size, subject to par. (b), location, and use that it had immediately before the damage

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1 or destruction occurred, or impose any limits on the costs of the repair,
2 reconstruction, or improvement if all of the following apply:

3 1. The nonconforming structure was damaged or destroyed on or after the
4 effective date of this subdivision [revisor inserts date].

5 2. The damage or destruction was caused by violent wind, vandalism, fire,
6 flood, ice, snow, mold, or infestation.

7 (b) An ordinance enacted under this section to which par. (a) applies shall allow
8 for the size of a structure to be larger than the size it was immediately before the
9 damage or destruction if necessary for the structure to comply with applicable state
10 or federal requirements.

11 **SECTION 2.** 59.692 (1s) (a) 2. of the statutes is amended to read:

12 59.692 **(1s)** (a) 2. The damage or destruction was caused by violent wind,
13 vandalism, fire ~~or a~~, flood, ice, snow, mold, or infestation.

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

15 **60.61 (5m)** RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a)
16 Restrictions that are applicable to damaged or destroyed nonconforming structures
17 and that are contained in an ordinance adopted under this section may not prohibit
18 the restoration of a nonconforming structure if the structure will be restored to the
19 size, subject to par. (b), location, and use that it had immediately before the damage
20 or destruction occurred, or impose any limits on the costs of the repair,
21 reconstruction, or improvement if all of the following apply:

22 1. The nonconforming structure was damaged or destroyed on or after the
23 effective date of this subdivision [revisor inserts date].

24 2. The damage or destruction was caused by violent wind, vandalism, fire,
25 flood, ice, snow, mold, or infestation.

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1 (b) An ordinance adopted under this section to which par. (a) applies shall allow
2 for the size of a structure to be larger than the size it was immediately before the
3 damage or destruction if necessary for the structure to comply with applicable state
4 or federal requirements.

5 **SECTION 4.** 61.351 (5m) of the statutes is created to read:

6 **61.351 (5m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES.** (a)
7 Restrictions that are applicable to damaged or destroyed nonconforming structures
8 and that are contained in an ordinance adopted under this section may not prohibit
9 the restoration of a nonconforming structure if the structure will be restored to the
10 size, subject to par. (b), location, and use that it had immediately before the damage
11 or destruction occurred, or impose any limits on the costs of the repair,
12 reconstruction, or improvement if all of the following apply:

13 1. The nonconforming structure was damaged or destroyed on or after the
14 effective date of this subdivision [revisor inserts date].

15 2. The damage or destruction was caused by violent wind, vandalism, fire,
16 flood, ice, snow, mold, or infestation.

17 (b) An ordinance adopted under this section to which par. (a) applies shall allow
18 for the size of a structure to be larger than the size it was immediately before the
19 damage or destruction if necessary for the structure to comply with applicable state
20 or federal requirements.

21 **SECTION 5.** 62.23 (7) (hc) of the statutes is created to read:

22 **62.23 (7) (hc) Restoration of certain nonconforming structures.** 1. Restrictions
23 that are applicable to damaged or destroyed nonconforming structures and that are
24 contained in an ordinance enacted under this subsection may not prohibit the
25 restoration of a nonconforming structure if the structure will be restored to the size,

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1 subject to subd. 2., location, and use that it had immediately before the damage or
2 destruction occurred, or impose any limits on the costs of the repair, reconstruction,
3 or improvement if all of the following apply:

4 a. The nonconforming structure was damaged or destroyed on or after the
5 effective date of this subdivision paragraph [revisor inserts date].

6 b. The damage or destruction was caused by violent wind, vandalism, fire,
7 flood, ice, snow, mold, or infestation.

8 2. An ordinance enacted under this subsection to which subd. 1. applies shall
9 allow for the size of a structure to be larger than the size it was immediately before
10 the damage or destruction if necessary for the structure to comply with applicable
11 state or federal requirements.

12 **SECTION 6.** 62.231 (5m) of the statutes is created to read:

13 **62.231 (5m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES.** (a)
14 Restrictions that are applicable to damaged or destroyed nonconforming structures
15 and that are contained in an ordinance enacted under this section may not prohibit
16 the restoration of a nonconforming structure if the structure will be restored to the
17 size, subject to par. (b), location, and use that it had immediately before the damage
18 or destruction occurred, or impose any limits on the costs of the repair,
19 reconstruction, or improvement if all of the following apply:

20 1. The nonconforming structure was damaged or destroyed on or after the
21 effective date of this subdivision [revisor inserts date].

22 2. The damage or destruction was caused by violent wind, vandalism, fire,
23 flood, ice, snow, mold, or infestation.

24 (b) An ordinance enacted under this section to which par. (a) applies shall allow
25 for the size of a structure to be larger than the size it was immediately before the

