

2005 Senate Bill 253

Date of enactment: **February 15, 2006**

Date of publication*: **March 1, 2006**

2005 WISCONSIN ACT 112

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

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

SECTION 1. 59.69 (10m) of the statutes is created to read:

59.69 (10m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

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

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

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

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

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

or destruction if necessary for the structure to comply with applicable state or federal requirements.

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

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

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

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

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

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

62.23 (7) (hc) *Restoration of certain nonconforming structures.* 1. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to subd. 2., location, and use that it had immediately before the damage or destruction occurred, or impose any limits on

the costs of the repair, reconstruction, or improvement if all of the following apply:

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

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

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

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

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

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

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

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