

**SENATE BILL 253 (LRB -1871)**

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. (FE)

**2005**

07-06.	S.	Introduced by Senators <b>Stepp, Grothman and Olsen</b> ; cosponsored by Representatives <b>Meyer, Lothian, Gard, Vos, Gunderson, Ainsworth, Hahn, Krawczyk, Kestell and F. Lasee.</b>	
07-06.	S.	Read first time and referred to committee on Housing and Financial Institutions .....	296
08-08.	S.	Fiscal estimate received.	
08-09.	S.	Public hearing held.	
09-06.	S.	Executive action taken.	
09-09.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Housing and Financial Institutions, Ayes 7, Noes 0 ( <b>LRB a0890</b> ) .....	344
09-09.	S.	Report passage as amended recommended by committee on Housing and Financial Institutions, Ayes 6, Noes 1 .....	344
09-09.	S.	Available for scheduling.	
09-21.	S.	Placed on calendar 9-27-2005 pursuant to Senate Rule 18(1).	
09-27.	S.	Read a second time .....	367
09-27.	S.	Senate amendment 1 <b>adopted</b> .....	367
09-27.	S.	Ordered to a third reading .....	367
09-27.	S.	Rules suspended .....	367
09-27.	S.	Read a third time and <b>passed</b> .....	367
09-27.	S.	Ordered immediately messaged .....	368
10-03.	A.	Received from Senate .....	511
10-03.	A.	Read first time and referred to committee on Natural Resources .....	512
12-14.	A.	Public hearing held.	

**2006**

01-24.	A.	Report concurrence recommended by committee on Natural Resources, Ayes 14, Noes 1 .....	740
01-24.	A.	Referred to committee on Rules .....	740
01-24.	A.	Placed on calendar 1-26-2006 by committee on Rules.	
01-26.	A.	Read a second time .....	759
01-26.	A.	Ordered to a third reading .....	760
01-26.	A.	Rules suspended .....	760
01-26.	A.	Read a third time and <b>concurred in</b> .....	760
01-26.	A.	Ordered immediately messaged .....	760
01-27.	S.	Received from Assembly concurred in.	

**2005  
ENROLLED BILL**

05en S B-253

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

05-1871/2

Amendments to above (if none, write "NONE"): SAI = LRBA 0890/1

Corrections - show date (if none, write "NONE"): None

Topic use relating

2-2-06  
Date

*SR Miller*  
Enrolling Drafter

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## 2005 SENATE BILL 253

July 6, 2005 - Introduced by Senators STEPP, GROTHMAN and OLSEN, cosponsored by Representatives MEYER, LOTHIAN, GARD, VOS, GUNDERSON, AINSWORTH, HAHN, KRAWCZYK, KESTELL and F. LASEE. Referred to Committee on Housing and Financial Institutions.

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.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with regard to county zoning of shorelands on navigable waters, restrictions that are contained in such zoning ordinances that would apply to a damaged or destroyed nonconforming structure may not prohibit, subject to a number of conditions, the restoration of the structure if it will be restored to the size, location, and use it had before the damage or destruction occurred, unless the size must be larger to comply with state or federal requirements. In addition, and subject to the same conditions, the restrictions in the zoning ordinance may not impose limits on the costs of the repair, reconstruction, or improvement of the structure.

The conditions that apply to the restrictions in the zoning ordinance are as follows:

1. The structure must have been damaged or destroyed after October 14, 1997.
2. The structure must have been damaged or destroyed by violent wind, vandalism, fire, or flood.

Under the bill, "other natural occurrences" is added to the ways in which a structure must have been damaged. Also under the bill, restrictions that are contained in general city, village, town, and county zoning ordinances, and city and village zoning of wetlands in shorelands ordinances, may not prohibit the restoration

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of a nonconforming structure subject to the same provisions and conditions that currently apply to county zoning of shorelands on navigable waters, including the addition of “other natural occurrence.” Under the bill, however, with regard to the conditions that apply to the restrictions in the zoning ordinances, the structure must have been damaged or destroyed on or after the effective date of the bill.

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

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

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

2           **59.69 (10m)** RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a)

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

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

11          2. The damage or destruction was caused by violent wind, vandalism, fire,  
12          flood, ~~or other natural occurrence.~~ INSERT SAI-1

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

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

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1           59.692 (1s) (a) 2. The damage or destruction was caused by violent wind,  
2           vandalism, fire or a flood, ~~or other natural occurrence.~~ INSERT SA1-2

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

4           60.61 (5m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a)

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

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

13           2. The damage or destruction was caused by violent wind, vandalism, fire,  
14          flood, ~~or other natural occurrence.~~ INSERT SA1-3

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

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

20           61.351 (5m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a)

21          Restrictions that are applicable to damaged or destroyed nonconforming structures  
22          and that are contained in an ordinance adopted under this section may not prohibit  
23          the restoration of a nonconforming structure if the structure will be restored to the  
24          size, subject to par. (b), location, and use that it had immediately before the damage

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**SECTION 4**

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, ~~or other natural occurrence.~~ INSERT SA1-4

7 (b) An ordinance adopted 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 5.** 62.23 (7) (hc) of the statutes is created to read:

12 62.23 (7) (hc) *Restoration of certain nonconforming structures.* 1. Restrictions  
13 that are applicable to damaged or destroyed nonconforming structures and that are  
14 contained in an ordinance enacted under this subsection may not prohibit the  
15 restoration of a nonconforming structure if the structure will be restored to the size,  
16 subject to subd. 2., location, and use that it had immediately before the damage or  
17 destruction occurred, or impose any limits on the costs of the repair, reconstruction,  
18 or improvement if all of the following apply:

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

21 b. The damage or destruction was caused by violent wind, vandalism, fire,  
22 flood, ~~or other natural occurrence.~~ INSERT SA1-5

23 2. An ordinance enacted under this subsection to which subd. 1. applies shall  
24 allow for the size of a structure to be larger than the size it was immediately before

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

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

4 **62.231 (5m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a)**

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

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

13 2. The damage or destruction was caused by violent wind, vandalism, fire,  
14 flood, or other natural occurrence. 

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

19 (END)

**SENATE AMENDMENT 1,  
TO 2005 SENATE BILL 253**

September 9, 2005 - Offered by COMMITTEE ON HOUSING AND FINANCIAL INSTITUTIONS.

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At the locations indicated, amend the bill as follows:

**1.** Page 2, line 12: delete "or other natural occurrence" and substitute "ice, snow, mold, or infestation".

SAI-1

**2.** Page 3, line 2: delete "or other natural occurrence" and substitute "ice, snow, mold, or infestation".

SAI-2

**3.** Page 3, line 14: delete "or other natural occurrence" and substitute "ice, snow, mold, or infestation".

SAI-3

**4.** Page 4, line 6: delete "or other natural occurrence" and substitute "ice, snow, mold, or infestation".

SAI-4

**5.** Page 4, line 22: delete "or other natural occurrence" and substitute "ice, snow, mold, or infestation".

SAI-5



1           **6.** Page 5, line 14: delete "or other natural occurrence" and substitute "ice,  
2 snow, mold, or infestation".

3

(END)

SA1-6