

# State of Wisconsin



1995 Assembly Bill 424

Date of enactment: **June 26, 1996**  
Date of publication\*: **July 10, 1996**

## 1995 WISCONSIN ACT 455

AN ACT *to repeal* 30.055, 59.972 and 87.307; and *to create* 30.056 and 87.30 (1d) of the statutes; **relating to:** the establishment of certain restrictions on floodplain zoning ordinances that regulate improvements to nonconforming buildings, the elimination of other restrictions on floodplain and shoreland zoning ordinances that regulate improvements and repairs to nonconforming buildings or buildings with nonconforming uses that are applicable to Trenton Island in Pierce County, creating an exemption for Crayfish Creek in the city of Oak Creek from certain restrictions on the placement of structures and deposits in navigable waters and granting rule-making authority.

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

**SECTION 1c.** 30.055 of the statutes is repealed.

**SECTION 1g.** 30.056 of the statutes is created to read:

**30.056 Exemption from certain permit requirements.** Notwithstanding ss. 30.12, 30.19, 30.195 and 30.294, the city of Oak Creek may not be required to remove any structure or concrete or other deposit that was placed in Crayfish Creek in the city of Oak Creek before June 1, 1991, and may continue to maintain the structure, concrete or deposit without having a permit or other approval from the department.

**SECTION 3.** 59.972 of the statutes is repealed.

**SECTION 6.** 87.30 (1d) of the statutes is created to read:

87.30 (1d) IMPROVEMENTS TO NONCONFORMING BUILDINGS. (a) In this subsection:

1. "Nonconforming building" has the meaning specified by rule by the department for purposes of floodplain zoning under this section and includes a building with a nonconforming use.

2. "Nonconforming use" has the meaning specified by rule by the department for purposes of floodplain zoning under this section.

3. "Nonflood disaster" means a fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.

(b) For nonconforming buildings that are damaged or destroyed by a nonflood disaster a floodplain zoning ordinance shall permit the repair, reconstruction or improvement of any such nonconforming building, in order to restore it after the nonflood disaster except as provided in par. (c).

(c) A floodplain zoning ordinance may not permit the repair, reconstruction or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet one or more of the minimum requirements applicable to such a nonconforming building under 42 USC 4001 to 4129 or under the regulations promulgated thereunder.

**SECTION 7.** 87.307 of the statutes is repealed.

\* Section 991.11, WISCONSIN STATUTES 1993-94: 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].

**SECTION 9. Initial applicability; natural resources.**

(3) The treatment of section 87.30 (1d) of the statutes first applies to provisions under a floodplain zoning ordinance on the effective date of this subsection regard-

less of when the floodplain zoning ordinance was enacted.

(4) The treatment of section 87.30 (1d) of the statutes first applies to repairs, reconstruction and improvements that begin on the effective date of this subsection.

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