



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 81
[2005 Assembly Bill 155]

**Elimination of Nonconforming
Buildings, Premises, Structures, or
Fixtures**

The current statutes authorize local units of government (cities, villages, towns, and counties) to adopt zoning ordinances. The statutes include various requirements related to the contents and enforcement of those zoning ordinances, including provisions related to nonconforming uses of property and nonconforming buildings or premises.

Act 81 extends the statutory regulations of nonconforming uses to apply also to structures and fixtures that are nonconforming, as well as buildings and premises. None of these terms are defined in the statutes. However, the apparent effect of this change is to apply the statutory provisions related to nonconforming uses to anything that may be considered in the broadest sense as real estate.

Act 81 creates a restriction on the application of zoning ordinances to a nonconforming building, premises, structure, or fixture. The Act does this by means of a restriction of “amortization ordinances.” This term is defined in the new statute as follows:

“[A]mortization ordinance” means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used...but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.

The Act prohibits the use of provisions in a zoning ordinance that require removal of a nonconforming building, premises, structure, or fixture by means of an amortization ordinance.

[A]n ordinance enacted under this subsection may not require the removal of a nonconforming building, premises, structure, or fixture by an amortization ordinance.

Effective Date: Act 81 takes effect on January 7, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.