

## ORDINANCE NO. 2020.11-25

### AN ORDINANCE AMENDING SUBSECTION 490-32.7 C. OF THE MUNICIPAL CODE OF THE VILLAGE OF SALEM LAKES RELATING TO RECONSTRUCTION OF NON-CONFORMING STRUCTURES SUFFERING DAMAGED FROM SPECIFIED CAUSES.

The Village Board of the Village of Salem Lakes, Kenosha County, Wisconsin, does hereby ordain as follows:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions of the Municipal Code applicable to the reconstruction or repair of non-conforming structures damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

SECTION 2. Section 490-32.7 C. Amended. Section 490-32.7 C. of the Salem Lakes Municipal Code is amended to provide as follows:

C. Damage to, or destruction of, non-conforming structures.

- (1) When a nonconforming structure is intentionally dismantled, or is damaged or destroyed by reason other than violent wind, vandalism, fire, flood, ice, snow, mold, or infestation to the extent of more than 50% of its Assessed Value, as defined in § 490-32.2 of this chapter, it shall not be restored except so as to comply with all provisions of this chapter.
- (2) When a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, such structure may be repaired, replaced or reconstructed at the size, location, and use that it had immediately before the damage or destruction occurred, regardless of the cost of the repair, replacement or reconstruction, provided, however, that the size of the structure may 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 3. Severability. Each section, subsection, paragraph, sentence, clause, phrase and provision of the foregoing ordinance is and the same is hereby declared to be severable and if any portion or provision thereof is duly determined to be invalid for any reason, such determination shall not invalidate any other portion or provision thereof.

SECTION 4. Effective Date. This ordinance shall take effect and be enforced from and after publication and posting as required by law.

**Adopted** by the Village Board of the Village of Salem Lakes, Kenosha County, Wisconsin,  
this 9<sup>th</sup> day of November, 2020.

*Diann Tesar*

Diann Tesar, President

Attest:

*Shannon Hahn*

Shannon Hahn, Clerk

Voted Aye  
Voted Nay  
Abstain  
Absent

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