

Subdivision 1404. Repairs and Maintenance.

- 1404.1 Nothing in this Ordinance shall prevent the reconstruction, repairing or rebuilding of a non-conforming building, structure or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed fifty per cent of the replacement value of such building or structure at the time such work is done, nor prevent compliance with the provisions of the City Building Code or City Housing Codes relative to the maintenance of buildings or structures; provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- 1404.2 Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by flood, fire, collapse, explosion, or Acts of God, subsequent to the date of this Ordinance, wherein the expense of such work does not exceed fifty (50) per cent of the replacement cost of the building or structure at the time such damage occurred. However, the Board of Adjustment may issue a Conditional Use Permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately floodproofed, elevated, or otherwise protected in conformity with Subdivision 1204.34.

Subdivision 1405. Discontinuance.

- 1405.1 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.
- 1405.2 A non-conforming use shall be considered discontinued:
- 1405.21 When the intent of the owner to discontinue the use is apparent, or;
 - 1405.22 When the characteristic equipment and the furnishing of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts indicate the intention to resume the non-conforming use, or;
 - 1405.23 When it has been replaced by a conforming use.
 - 1405.24 Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as Non-Conforming Uses.