

## CHAPTER 14

### BUILDING

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#### 14.01 PERMITS REQUIRED, FEES

Except as otherwise expressly provided in this Chapter, no owner or contractor may construct, erect, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid permit is obtained from a Municipal Building Inspector. The Wisconsin uniform building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.

- 1) The foregoing described work that shall require a building permit includes, but is not limited to:
  - (a) New 1-and 2-family dwellings and commercial buildings including agricultural buildings, detached structures (decks), and detached accessory buildings.
  - (b) Additions that increase the physical dimensions of a building including all garages, decks, balconies, stoops, and similar structures that are attached to any building.
  - (c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
  - (d) Replacement of 1-and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.
  - (e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
  - (f) Any HVAC for new construction or remodeling.
  - (g) Any plumbing for new construction or remodeling.
  - (h) Any new or re-wired electrical service, including services for agricultural buildings.

## 2) Waiver of Plans

If the Building Inspector finds that the character of the work is sufficiently described in the application, the Inspector **MAY** waive the filing of plans for alterations, repairs or moving provided the cost of work does not exceed \$2,000.

## 3) Exceptions

The following construction activities shall not require a building permit:

- (a) Re-siding, re-roofing, tuck pointing or similar repairs to masonry surfaces. Notwithstanding this section, however, a permit accompanied by structural calculations shall be required for re-roofing of a building if the proposed re-roofing would constitute a third or more layer of roofing, or if the re-roofing involves the installation of new structural support or the replacement or modification of existing structural support.
- (b) The installation of house appliances not requiring rewiring or plumbing alterations.
- (c) Finishing of interior surfaces, installation of cabinetry and flooring/wall/ceiling covering.
- (d) Repairs which are deemed minor by the Building Inspector.
- (e) Installation of gutters or downspouts.
- (f) Replacement of existing windows which do not increase the physical dimensions of the existing opening.
- (g) Normal repairs of HVAC, plumbing, and electrical equipment, or systems such as replacing switches, receptacles, light fixtures, and/or dimmers.

## 4) Building permit fees.

- (a) At the time of building permit issuance, the applicant shall pay fees as established by resolution periodically by the Village.
- (b) Payment shall be made to the Village Clerk/Treasurer and a receipt for said payment shall be presented to the Building Inspector before the Building Inspector shall issue a building permit. If work commences prior to payment and permit issuance, the permit fee shall be double.

## 5) Permit Lapses.

- (a) A building permit, other than Wisconsin Uniform Building Permits shall lapse and be void unless building operations are commenced within six (6) months and if construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

## 6) Permit Revocation.

(a) The Building Inspector or the Village Board (or its designee) may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:

1. Whenever the Building Inspector shall find at any time that applicable ordinances laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning.
2. When the continuance of any construction becomes dangerous to life or property.
3. When there is any violation of any condition or provisions of the application for permit or of the permit.
4. When, in the reasonable judgment of the Building Inspector, there is inadequate supervision provided on the job site.
5. When any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
6. When there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

(b) The notice revoking a building, plumbing or electrical permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his or her agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building, structure, equipment, or premises in question by the Town Building Inspector. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector may require for the preservation of life and safety.

7) Report Violations. It shall be the responsibility of the Village of Cassville staff including, but not limited to Police Officers and Department of Public Works personnel, to report building, electrical and/or plumbing work which is being carried on without a permit as required by this chapter.

- 8) Appeal. A person aggrieved by any decision by the Building Inspector or the Public Works Committee under this code shall have the right to appeal thereof to the Zoning Board of Appeals of the Village of Cassville in the same manner and with the same force and effect as provided for other appeals to said Board.

#### **14.02 ADOPTION OF STATE CODES**

- 1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent future amendments, modifications, and revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Camping Units
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

- 2) The building codes shall apply to the alteration, enlargement or repair of existing 1- and 2-family dwellings constructed prior to June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code.
- 3) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

#### **14.03 CERTIFIED MUNICIPALITY STATUS**

- 1) Certified Municipality. The Village of Cassville has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
  - (a) Responsibilities. The Village shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
    1. Provide HVAC and structural inspection of all sized commercial buildings with certified commercial building inspectors.
    2. Provide HVAC and structural plan review of all sized commercial buildings with certified commercial building inspectors.
  - (b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

1. All commercial buildings, without size limitations [Appointed Agent per Wis. Stat. § 101.12(3g)].

(c) Notes.

1. A certified municipality may waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
2. The Department may waive its jurisdiction for the plan review of a specific project, agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

(d) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

1. Building permit application.
2. Application for review - SBD-118, or equivalent.
  - a. Fees per Table SPS 302.31-2 and SPS 302.31.
  - b. Fees apply to commercial projects.
3. Four sets of plans.
  - a. Signed and sealed per SPS 361.31.
  - b. One set of specifications.
  - c. Component and system plans.
  - d. Calculations showing code compliance.

#### **14.04 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR**

- 1) Creation and Appointment. There is hereby created the office of the Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- 2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.

- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises from the Inspector or his/her agent while in the performance of his/her duties. If the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.
- 5) Inspection results. The findings of inspection by the Building Inspector, plumbing inspector and electrical inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.

#### **14.05 VIOLATIONS AND PENALTIES**

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

#### **14.06 UNSAFE BUILDINGS**

- 1) Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building. No person shall remove or deface such notice. The owner or tenant of such building or

structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.

Any person who fails to comply with any such order shall be guilty of a violation of this section.

- 2) Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Village in an action against the owner or tenant.

#### **14.07 MOVING OF BUILDINGS**

- 1) Moving Permit Required.

No building or structure shall be moved into or within the Village without first obtaining a permit therefor from the Building Inspector, such permit to be issued only upon compliance with the provisions hereof and with other ordinances, if any relating thereto.

- 2) Application for Moving Permit.

Application for such permit shall be made on a form provided by the Building Inspector. Such form shall describe the building to be moved; present location of the building; proposed location to which the building is to be moved; name and address of mover engaged; streets or other routes over which the building is to be moved; the date and time such moving will take place and the approximate length of time required therefor; and any other information data or maps reasonably required by it to make a determination of the issuance of such permit.

- 3) Moving Permit Fee.

No such permit shall be issued until the applicant has paid to the Village Clerk/Treasurer a fee therefor as adopted by ordinance of the Village Board from time to time and a file within the office of the Village Clerk/Treasurer and Building Inspector, and in addition thereto, the control of traffic and assurance of public safety or the protection of property will require Village Police Officers or the Village Employees to expend substantial time in connection with such move, then the fees herein set forth shall be increased to cover the cost to the Village thereof.

- 4) Requirements of Moving Permit.

- (a) No permit shall be granted for the moving of any building or structure or portion thereof which is deteriorated or damaged to an extent greater than 50% of the assessed valuation of said building.

- (b) No permit shall be granted for moving of any building or structure where either the exterior architectural appeal or functional plan of buildings already

constructed in the immediate neighborhood, or shall be otherwise at variance with the character of the said district to which it is being moved, so as to cause a substantial depreciation in the property of said neighborhood or district.

- (c) No such permit shall be issued unless the proposed use and location of said structure when moved will comply with all other applicable ordinances of said Village.
- (d) Where the issuance of such permit is conditioned upon alterations or improvements to be made in such structure after such moving is completed, said Building Inspector may require a bond or other suitable guarantee to the Village that such alterations will be completed within a reasonable time thereafter. The term "reasonable time" herein means a period which is fair under the existing circumstances taking into consideration the amount and kind of alterations, the time of year, the availability of personnel required to make same, and other similar pertinent factors.
- (e) No such permit shall be issued unless all reasonable precautions are made so that such moving may be done with reasonable safety to other property and persons and the applicant shall have furnished to the Village a written memorandum of insurance showing public liability insurance coverage in the minimum amounts of \$100,000 for injury to any person, \$300,000 for total personal injury, and \$50,000 for property damage.

5) Time Limitation.

Such permit shall be valid only for the date and hour and on the routes which have been approved and are set forth in said permit and no variations therefrom shall be permitted unless such variation shall have been authorized by said Building inspector.

#### **14.08 RAZING OF BUILDINGS**

- 1) No building or structure shall be demolished or removed without first obtaining a permit therefor from the Building Inspector. Before a permit may be issued the Building Inspector shall ascertain whether all gas, sewer and other utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.
- 2) Excavations shall be filled with solid fill to match lot grade, within thirty (30) days of the removal of the structure.
- 3) Razing Permit Fee.

No such permit shall be issued until the applicant has paid to the Village Clerk/Treasurer a fee therefor as adopted by ordinance of the Village Board from time to time and a file within the office of the Village Clerk/Treasurer and Building



Inspector, and in addition thereto, the control of traffic and assurance of public safety or the protection of property will require Village Police officers or the Village Employees to expend substantial time in connection with such razing, then the fees herein set forth shall be increased to cover the cost to the Village thereof.

## **14.09 HISTORIC PRESERVATION**

### **1) Purpose and Intent**

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the Village's cultural, social, economic, political and architectural history.
- (b) Safeguard the Village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Stabilize and improve property values, and enhance the visual and aesthetic character of the Village.
- (d) Protect and enhance the Village's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

### **2) Definitions**

The definitions shall be as follows:

- (a) Certificate of Appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (b) Commission means the Historic Preservation Commission created under this section. The commission shall consist of at least 2 members of the Village Board.
- (c) Historic District is an area designated by the Village Board on recommendation of the Commission that contains two or more historic improvements or sites.
- (d) Historic Site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

- (e) Historic Structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Village, State or Nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- (f) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

### **3) Historic Preservation Commission Composition**

A Historic Preservation Commission is hereby created, consisting of five (5) members. Of the membership, if available in the community, one shall be a registered architect, one shall be a licensed real estate broker, and three shall be members of the Village Board. Each member shall have, to the highest extent practicable, a known interest in historic preservation.

The Village President shall appoint the Commissioners subject to confirmation by Village Board.

### **4) Historic Structure, Historic Site and Historic District Designation Criteria**

(a) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Village such as historic structures, sites, or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the Nation, State or Community; or
2. Are identified with historic personages or with important events in national, state or local history; or
3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method or construction, or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

### **5) Powers and Duties**

- (a) Designation. The Commission shall have the power, subject to Section VI, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designations shall be made based on Section IV. Historic districts shall be approved by the Village Board. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.
- (b) Regulation of Construction, Reconstruction, Alteration and Demolition.
1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
  2. Upon filing of any application for a Certificate of Appropriateness with the commission, the commission shall approve the application unless:
    - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
    - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
    - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
    - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the village and state;
    - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
  - (3) If the commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The commission shall make this decision within forty-five (45) days of the filing of the application.
  - (4) The issuance of a Certificate of Appropriateness shall not relieve the

applicant from obtaining other permits and approvals required by the village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

- (5) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(c) Appeals.

Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the full Village Board within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(d) Recognition of Historic Structures, Sites and Districts

At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such property at village expense, a suitable plaque declaring that such property is a historic structure, site or district.

## 6) Procedures

(a) Designation of Historic Structures and Historic Sites

1. The commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section IV above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the village assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
2. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records, as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the

property owner or owners. Notification shall also be given to the Village Clerk, Building Inspection Division, Plan Commission, and the Village Assessor. The commission shall cause the designation or rescission to be recorded, at village expense, in the County Register of Deeds Office.

(b) Creation of Historic District

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the village to be designated as Historic Districts and shall prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the village, after application of the criteria in Section IV above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
2. Review and Adoption Procedure
  - a. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place & purpose of the public hearing shall be sent by the Village Clerk to the all Village Board Members and the owners of record, as listed in the office of the Village Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.
  - b. The Village Board. The Village Board upon receipt of the recommendations from the Historic Preservation Commission shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

**7) Interim Control**

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Village Council unless such alteration, removal or demolition is authorized by formal resolution of the Village Council as necessary

for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

**(8) Penalties for Violations**

Any person or persons violating any provision of this section shall be fined fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

**14.10 SEVERABILITY**

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.