

amount of money to be raised for the purpose of establishing, operating and maintaining such a recreation department. The amount raised shall not exceed one-tenth of a mill on the assessed valuation of the town.

Approved June 9, 1947.

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CHAPTER 224.

AN ACT to create 59.97 (1) (c) and (d), 60.74 and 60.75 of the statutes, relating to rural zoning, and providing penalties.

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

SECTION 1. 59.97 (1) (c) and (d) of the statutes are created to read:

59.97 (1) (c) The provisions of an ordinance under this section, applicable to any town and submitted to the town board prior to its adoption but not effective as it affects the lands in the town by reason of nonapproval by the town board, shall become effective as it affects the lands in the town whenever the town board shall file its written approval with the county clerk; and in like manner, any amendment to the text of any such ordinance, applicable to any town and submitted to such town board prior to its adoption by the county board but not effective by reason of nonapproval by the town board, shall become effective as it affects the lands in such town whenever the town board shall file its written approval with the county clerk.

(d) The provisions of an ordinance under this section, as they affect any town, shall supersede any prior town ordinance whenever the town board shall file with the county clerk its approval of the ordinance under this section as it affects the lands in the town, except that the town board shall not take such action without having held a public hearing following notice duly given as provided by subsection (2).

SECTION 2. 60.74 and 60.75 of the statutes are created to read:

60.74 ZONING POWER. (1) (a) Any town in any county not having adopted a county zoning ordinance as provided by section 59.97 may by ordinance regulate, restrict and determine the areas within which agriculture, forestry and recreation may be

conducted, the location of roads, schools, trades and industries, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, size of yards, courts, and other open spaces, the density and distribution of population, and the location of buildings designed for specified uses, and establish districts of such number, shape and area as may be necessary for such purposes, and may also establish setback building lines, and may further regulate, restrict and determine the areas in and along or in or along natural water-courses, channels, streams and creeks in which trades and industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted, and may adopt an official map or maps which will show thereon such areas, outside the limits of incorporated villages and cities, as the town board of such town may deem best suited to carry out the purposes of this section. For each such district, regulations may be imposed designating the location, height, bulk, number of stories and size of buildings and other structures, percentage of lot which may be occupied, the size of yards, courts and other open spaces, and density and distribution of population, and the trades, industries or purposes that shall be included or subjected to special regulations and designating the uses for which buildings may not be erected or altered; except that a town board may not proceed as provided in this section without having first petitioned the county board, at any regular or special meeting to adopt a county zoning ordinance as provided by section 59.97 and the county board having failed or refused at that meeting to direct its county park commission or rural planning board to proceed as provided by section 59.97 (2); or, in the event such directions to proceed have been given, and the report of the county park commission or rural planning board and the tentative ordinance pursuant thereto shall not have been presented to the county board within one year, or if so presented shall not have been approved by the county board at its next meeting thereafter, or if so approved by the county board and subsequently approved by a town board as to the lands affected by the ordinance within the town, the county board shall fail to adopt the ordinance. The provisions of this subsection shall be applicable in every respect to regulating and restricting trailer camps or tourist camps or both.

(b) Any such town board may by ordinance regulate, restrict

and determine the location, height, bulk, number of stories and size of buildings and other structures and objects of natural growth, in any territory in the town in the vicinity of any airport owned by such town or privately owned, and may divide such territory into several areas and impose different restrictions with respect to each area which restrictions may be applicable to the entire town or only a portion thereof. In the exercise of its power under this paragraph, the town board may, by eminent domain, remove or alter any buildings, structures or objects of natural growth which are contrary to the restrictions imposed in the area in which they are located, except railroad buildings, bridges or facilities, provided that railroad telegraph, telephone and overhead signal system poles and wires shall not be exempt from the operation of this section.

(2) If such town has a town park commission organized as provided by law, such commission shall recommend boundaries of such districts and appropriate regulations and restrictions to be imposed therein. If the town has no town park commission, the town board may appoint a town zoning committee of 5 members to perform the duties of the town park commission under this section. The town park commission or zoning committee shall first formulate a tentative report and shall hold public hearings thereon before submitting a final report to the town board. After such final report is submitted, and the ordinance pursuant thereto adopted, the town board may from time to time alter, supplement or change the boundaries or regulations contained in such ordinance in the manner herein set forth, but not less than 15 days' notice of any such proposed changes shall first be published in the official newspapers for publication in the town, or if there be none, then in the county, and notices be posted in at least 3 public places in the town. A hearing shall be granted to any person interested, at a time and place to be specified in the notice. Each notice shall be published at least 3 times during the 15 days prior to the date of hearing.

(3) In case a protest against a proposed amendment, supplement, or change be presented, duly signed and acknowledged by the owners of 20 per cent or more of the frontage proposed to be altered, or by the owners of at least 20 per cent of the frontage immediately in the rear thereof, or by the owners of at least 20 per cent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed unless

until their successors are appointed or elected. The members of the board shall all reside within the town. The board shall choose its own chairman. The town board may compensate the members of such board. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(3) The town board shall adopt rules for the conduct of the business of the board of adjustment, in accordance with the provisions of any ordinance or ordinances adopted pursuant to section 60.74. The board of adjustment may adopt further rules as necessary to carry into effect the regulations of the town board. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(4) Boards of adjustment under town zoning ordinances shall have the powers and duties provided for boards of adjustment by section 59.99 and shall carry out their duties in the manner provided for boards of adjustments by section 59.99.

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[Published June 11, 1947.

CHAPTER 225.

AN ACT to create 318.06 (10) of the statutes, relating to assigning residue in estates.

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

318.06 (10) of the statutes is created to read:

318.06 (10) ASSIGNING PURSUANT TO CONTRACT. If any person having an interest in an estate shall assign all or part of his interest therein (other than an interest not assignable by the specific language of a will) as collateral or otherwise and the assignee shall serve a copy thereof on the executor or adminis-