

SECTION 4. This act shall take effect upon passage and publication.

Approved June 28, 1917.

No. 381, A.]

[Published June 29, 1917.

## CHAPTER 507

AN ACT to repeal section 670—1 of the statutes, relating to powers of the county board in counties having a population of one hundred fifty thousand or more to set apart territory for residential, business and factory districts, and to create section 904b of the statutes, authorizing villages in counties having a population of two hundred fifty thousand or more to set apart territory for residential, business and factory districts.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 670—1 of the statutes is repealed.

SECTION 2. No resolution or ordinance passed and adopted pursuant to the provisions of section 670—1 of the statutes shall be deemed to be repealed by the repeal of said section 670—1 of the statutes.

SECTION 3. A new section is added to the statutes to read: Section 904b. 1. The village board of any village in any county having a population of two hundred fifty thousand or more, upon its own initiative or upon the petition of ten or more actual residents of the district to be affected, is hereby authorized and empowered, whenever it determines that the public health, welfare or morals will be protected, promoted or conserved thereby, to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, and to establish districts of such number, shape and area as it may deem best suited to carry out the purposes of this section. For each district, regulations may be imposed designating the trades or industries that shall be excluded or subjected to special regulations and designating the uses for which buildings may or may not be erected or altered; provided that no ordinance or resolution shall be adopted or passed pursuant hereto which in any manner interferes with the proper operation of a public utility or street railway. Such districts and regulations shall be prescribed by ordinance and enforced by appropriate fines and penalties.

2. Compliance with such ordinances may also be enforced by injunctive order at the suit of such village or the owner or

owners of any of the real estate within the district affected by such regulation.

3. A true and correct copy of such ordinance, verified as such by the village clerk, shall be at once recorded in the office of the register of deeds of the county in which said village is situated, and notice of the adoption of said ordinance shall be given by publishing a true and correct copy of same once each week for three successive weeks in some newspaper printed in said village and if there be no newspaper printed in said village, then by publishing a true and correct copy of such ordinance once each week for three successive weeks in a newspaper having a general circulation in the county in which said village is located and, in addition thereto, by posting true and correct copies of said ordinance in at least three public places in said village.

4. Any person sustaining loss or damage in his property by any such restriction or regulation may file his claim therefor with the village clerk within three months after the passage and publication of such ordinance, and thereafter the said village board shall act upon such claim and allow or disallow the same or such part thereof as they may in their discretion deem just and equitable. Any person whose claim shall be disallowed in whole or in part may appeal to the circuit court of said county by filing with the village clerk at any time within twenty days after final action by said board upon his claim, a notice of appeal specifying the grounds of his appeal and paying to such clerk, three dollars for the state tax and clerk of the circuit court fees, and one dollar for making return thereon. Within twenty days thereafter, such village clerk shall deliver to the clerk of said circuit court, a certified copy of the claim filed by the appellant and of the resolution disallowing same in whole or in part, together with such notice of appeal with the date of service thereof endorsed thereon and pay to him three dollars state tax and clerk of court fees; and thereupon the clerk of said court shall enter an action in his court in which the said appellant shall be plaintiff and the said village, defendant. The issue in said action shall be the loss or damage sustained by the appellant by reason of such restriction or regulation. Such issue shall be tried without further pleadings as other issues of fact are tried and judgment thereon be rendered and enforced as in other actions; provided that when the appellant does not recover a larger sum for damages than was awarded him by the village board, he shall not recover but shall pay costs, and provided further, that at any time before the entry of judgment in the circuit court for damages, the village board may repeal such

restriction or regulation and thereupon all claims allowed in whole or in part pursuant to the provisions of this paragraph upon such restriction or regulation, shall be deemed to be disallowed, and all proceedings upon any such appeal be deemed discontinued upon the payment by the village of the costs incurred in such action.

5. For the purpose of the payment of the said claims so allowed, the said village board may by resolution levy and assess the whole or any part of the claims so allowed as a tax upon such property in such district affected by said restriction or regulation and within three hundred feet thereof as it shall determine is specially benefited thereby, making therein a list thereof in which they shall describe every lot or parcel of land so assessed with the amount set opposite.

6. Such resolution signed by the president and clerk shall be published once in each week for two weeks in a newspaper published regularly in said village, or, if there be no such newspaper, three copies thereof shall be posted by the clerk in three of the most public places in said village, and a notice therewith that, at a certain time therein stated, the said board will meet at its usual place of meeting and hear all objections which shall be made to such assessment or to any part thereof.

7. At the time so fixed, the said board shall meet and hear all objections and for that purpose may adjourn from day to day, and may by resolution modify any such assessment in whole or in part at any time before the first day of November next following. Thereafter any party liable may pay any such tax to the village treasurer. On said first day of November next following, if any such tax remains unpaid, the village treasurer shall make a verified statement showing what taxes so levied remain unpaid and file the same with the village clerk who shall extend the same upon the tax roll of said village in addition to and as part of all other village taxes therein levied on such land, to be collected therewith and returned delinquent in the same manner as other village taxes.

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Approved June 27, 1917.