

they are issued, and all holders of permits shall annually make application for the renewal of their permits. All applications for permits and renewals made under the provisions of subsection (2) of this section shall be accompanied by a fee of ten cents for each cow to be included in the permit. Any permit may be revoked by the department of agriculture if there has been a material misstatement in the application for such permit or if any or all of the requirements for the issuance of such permit are not being fulfilled. No person, firm or corporation shall use or cause or permit to be used any label or mark provided for in this section unless a permit therefor has been issued as provided in this section.

(4) Any person who shall misuse or imitate the official label or mark furnished by the department of agriculture or shall make any material misstatement in the application for a permit or a renewal thereof shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not more than thirty days or by both such fine and imprisonment.

(20.60) (4) (k) For the execution of the provisions of section 1492ab—3.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 471, A.]

[Published July 19, 1921.

CHAPTER 557.

AN ACT to create section 959—17q of the statutes, relating to board of appeals.

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

SECTION 1. A new section is added to the statutes to read: Section 959—17q. 1. A board of appeals is hereby established. It shall consist of five members, one of whom shall be an architect or structural engineer of not less than ten years' practical experience, to be appointed by the mayor. Such appointed members shall be for terms of three years. The mayor shall designate one of the members of said board as chairman. The board shall appoint a secretary and such other subordinates as may be needed. Any member or employe of said board other than official members

shall receive such annual compensation as shall be fixed by the common council.

2. The duties of said board of appeals shall be to hear and decide appeals from and to review any order requiring decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to sections 959—17a to 959—17p, inclusive, of the statutes. Such board shall also hear and determine all matters referred to them or upon which they are required to pass under any ordinance of the common council adopted pursuant to such sections. The concurring vote of four members of such board shall be necessary to reverse any order requiring decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation of such ordinance. Every decision of such board shall, however, be subject to review by certiorari. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city.

3. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the officer from whom the appeal is taken and with the board of appeals of a notice of appeal, specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

4. Such appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in said certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the board of appeals or by a court of competent jurisdiction, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

5. The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Any party may appear on such hearing in person or by agent or by attorney. Said board may reverse or affirm, wholly or partly, or may modify the order,

requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

6. Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or any officer, department, board or bureau of the city, may present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition must be presented to such court within thirty days after the filing of the decision in the office of the board.

7. Upon presentation of such petition, said judge or court may allow a writ of certiorari directed to the board of appeals to review such decision of the board of appeals, which shall prescribe therein the time within which a return thereto must be made and served upon the relator or his attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

8. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

9. Said court may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith.

10. The provisions of this section shall apply to each city of the first class; and shall apply to any city of the second, third or fourth class wherein the council by resolution adopts the provisions of this section.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 13, 1921.