

THE LAW - SECTION 59.97, WISCONSIN STATUTES. ZONING POWER.

(1) The county board of any county 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, and the location of buildings designed for specified uses, and establish districts of such number, shape and area, and may also establish set-back building lines, outside the limits of incorporated villages and cities, as such county board may deem best suited to carry out the purposes of this section. For each such district, regulations may be imposed designating 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; provided, however, that the said county board shall before it adopts such ordinance or ordinances, submit the same to the town board or town boards of the town or towns in which may be situated any lands affected by such ordinance, and thereupon obtain the approval of said town board or town boards, so far as the same affects the lands in such town or towns, and in like manner any and all ordinances, which may amend any ordinance, which have been adopted as herein provided, shall be submitted to the said town boards and their approval obtained before the same shall be adopted by the county board. Such ordinance or amendments thereto may be adopted as to such town or towns which shall have given their approval thereto.

(2) If such county has a county park commission or rural planning board organized as provided by law, such commission or board shall recommend boundaries of such districts and appropriate regulations and restrictions to be imposed therein. The county park commission or rural planning board shall first formulate a tentative report and shall hold public hearings thereon before submitting a final report to the county board. After

such final report is submitted, and the ordinance pursuant thereto adopted, the county 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 ten days' notice of any such proposed changes shall first be published in the official newspapers for publication in such county, and a hearing be granted to any person interested, at a time and place to be specified in the notice. Each such notice shall be published at least three times during the ten days prior to the date of hearing.

(2a) When any county acquires lands by tax deeds, the county board may exchange any such lands for other lands in the county for the purpose of promoting the regulation and restriction of agricultural and forestry lands.

(3) In case a protest against a proposed amendment, supplement or change be presented, duly signed and acknowledged by the owners of twenty per centum or more of the frontage proposed to be altered, or by the owners of at least twenty per centum of the frontage immediately in the rear thereof, or by the owners of at least twenty per centum of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a three-fourths vote of the county board of supervisors.

(4) The county board shall prescribe such rules and regulations as it may deem necessary for the enforcement of the provisions hereof, and of all ordinances enacted in pursuance thereof. Such rules and regulations and the districts, set-back building lines and regulations specified in sub-section (1) shall be prescribed by ordinances which shall be designed to promote the public health, safety and general welfare. Such ordinances shall be enforced by appropriate fines and penalties. Compliance with

such ordinances may be also enforced by injunctive order at the suit of such county or the owner or owners of such real estate within the district affected by such regulations. Such ordinances shall not prohibit the continuance of the use of any building or premises for any trade or industry for which such building or premises are used at the time such ordinances take effect, or the alteration of, or addition to, any existing building or structure for the purpose of carrying on any prohibited trade or industry within the district where such buildings or structures are located.

(5) The powers herein granted shall be liberally construed in favor of the county exercising them, and this section shall not be construed to limit or repeal any powers now possessed by any such county.

(6) The county board may by ordinance zone any lands owned by the county without necessity of securing the approval of the town boards of the towns wherein such lands are situated and without following the procedure outlined in subsection (2). (1923 c.388; 1927 c.375; 1929 c.279, 356; 1931 c.236)