

SPOT ZONING LAW UPHELD

Constitutional Aspect of Ordinances Declared Valid in Attack by Undertaking Firm

Constitutionality of the municipal spot zoning ordinances was sustained by Justice Craig of the Second District Court of Appeal yesterday when he refused to issue a writ of habeas corpus freeing Louis E. Ruppe and W. A. Reynolds from a charge of maintaining an undertaking parlor outside of the zone to which they are limited.

Ruppe and Reynolds maintained before the court that the ordinance is void, discriminatory and oppressive. They assert that it is ancient and insufficient in its boundaries to meet the needs of increasing population and the growth of the city.

City Prosecutor Friedlander supported the constitutionality of the ordinance successfully on the grounds that it lies within the police power, and sufficient showing was not made to prove the necessity of establishing undertaking parlors outside of the zone.

The petitioners, after obtaining a permit from the Board of Public Works, erected a \$25,000 building at Forty-fifth street and Western avenue. When they opened the undertaking parlors the charge was filed against them because the establishment is a mile and a half from the boundaries of the zone.

The court remanded Ruppe and Reynolds to pay a \$300 fine or serve 180 days in jail.