

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1282

H. D. No. 517

House of Representatives, April 3, 1925.

Reported by Mr. Oakes from Committee on Judiciary and
laid on the table for printing under the joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE**

AN ACT to Enable Cities of Over Thirty-five Thousand to
Regulate and Restrict the Construction of Buildings and the
Use of Land by Zoning Ordinances.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Cities of over thirty-five thousand (35,000) may
2 by ordinance or by-law restrict buildings to be used for
3 particular industries, trades, manufacturing or commercial
4 purposes to specified parts or zones of the city, or may
5 exclude them from specified parts or zones of the city or
6 provide that such buildings if situated in certain parts or
7 zones of the city shall be subject to special regulation as
8 to their construction or use. A city may also by ordinance

9 or by-law provide that certain kinds of dwelling houses
10 and tenement houses should be restricted to specified parts
11 or zones of such city or shall be excluded from specified
12 parts or zones of such city or that dwelling houses or tene-
13 ment houses situated in specified parts of such cities shall
14 conform to certain regulations in respect to their construc-
15 tion or use which shall not apply to other buildings in other
16 parts of such city. For the above purposes the city may
17 be divided into zones and erection and use of buildings in
18 each zone regulated as above provided.

Sect. 2. The provisions of this act shall be carried out
2 in such manner as will best promote the health, safety,
3 morals and general welfare of the community, and all
4 buildings erected, altered or repaired contrary to the pro-
5 vision of an ordinance or by-law passed hereunder is a
6 nuisance.

Sect. 3. No ordinance or by-law shall be enacted here-
2 under until after a public hearing thereon, notice of which
3 hearing shall be published at least thirty days before the
4 hearing in a newspaper published in the city concerned.

Sect. 4. It shall be the duty of the inspector of buildings
2 to withhold permit for the construction or alteration of any
3 building in violation of an ordinance or by-law enacted
4 hereunder. Appeal shall lie from decision of the inspector
5 of buildings to the municipal officers and from said mu-
6 nicipal officers to the Supreme Judicial Court according to
7 the provisions of section twenty of chapter twenty-four

8 of the revised statutes and acts additional thereto and
9 amendatory thereof.

Sect. 5. This act shall not apply to any existing or pro-
2 posed building used or to be used by a public service cor-
3 poration; *provided*, that upon a petition by a public service
4 corporation, the Public Utilities Commission may, after
5 due notice and a public hearing, adjudge the situation of
6 any existing or proposed building used by such corporation,
7 to be reasonably necessary for the convenience or welfare
8 of the public, and that such building or buildings be exempt
9 from the provisions of this act, or from any ordinance
10 passed or adopted in accordance with its provisions.

Sect. 6. No ordinance or by-law adopted under the pow-
2 ers created by this act shall apply to structures existing at
3 the time of the adoption of the ordinance nor to the then
4 existing use of any building, but it shall apply to any altera-
5 tion of a building to provide for its use for a purpose or in
6 a manner substantially different from the use to which it
7 was put before the alteration, and shall apply to a sub-
8 stantial change in the uses of a building when put to a
9 new use without alteration.

Sect. 7. No ordinance enacted under the powers hereby
2 conveyed to the cities and towns shall be in force and
3 effect until accepted by a majority of the electors of the
4 city or town voting at a regular election for the election of
5 the municipal officers of such town or city or for the
6 election of one or more of members of any city council

7 of any such city on the question of the acceptance of the
8 ordinance. At the time of the submission to the voters, the
9 question shall be submitted in this form: Shall the Zoning
10 Ordinance be Accepted? Those favoring the acceptance
11 shall vote "Yes," those opposed shall vote "No."