

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 733

H. P. 1659

House of Representatives, February 14, 1939.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Municipal Ordinances.

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

Sec. 1. R. S., c. 5, § 140, amended. Section 140 of chapter 5 of the revised statutes is hereby amended to read as follows:

‘Sec. 140. Inspectors of buildings to withhold permits for construction in violation of ordinance; appeal. It shall be the duty of the inspector of buildings to withhold permit for the construction **of** or **the** alteration of any building **as to its use or otherwise** or the maintenance of any such premises or camping-ground in violation of ~~an~~ **any** ordinance or by-law enacted hereunder. Appeal shall lie from decision of the inspector of buildings to the municipal officers, **or, if a board of zoning adjustment be created as hereinafter provided, then to said board of zoning adjustment,** and from said municipal officers, **or from said board of zoning adjustment** to the superior court according to the provisions of section 20 of chapter 27.

Boards of zoning adjustment may be authorized in the zoning ordinance or by-law which shall specify the number and terms of members, the mode of appointment and other details relating to the organization and procedure of such board and which may empower such board to administer

the details of the application of the zoning ordinance and regulations in accordance with the rules set forth in the zoning ordinance, including the power to hear and determine appeals from the refusal of building permits and to permit exceptions to or variations from the zoning regulations in the class of cases or situations and in accordance with the principles, conditions and procedure specified in the zoning ordinance and to recommend amendments thereto.'

Sec. 2. R. S., c. 5, § 143, amended. Section 143 of chapter 5 of the revised statutes is hereby amended by adding at the end thereof the following words:

'The ordinance may be amended and its regulations, zoning boundaries and zone classifications changed in accordance with provisions set up in the ordinance or by-law, but no such amendment or change shall be made until after public hearing thereon, notice of which hearing shall be published once a week for 3 successive weeks before the hearing, the third notice to be within 10 days of the date of the hearing, in a newspaper published in the city or town, if a newspaper is published in said city or town, but, if no newspaper is published in said city or town, then in a newspaper that is published in the county in which said city or town is located. If amendments or changes in the ordinance are submitted to the voters, the question shall be submitted in this form: "Shall the proposed amendment to the zoning ordinance be accepted?"'