

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1955

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

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Sec. 2. P. & S. L., 1927, c. 67, § 14, repealed and replaced. Section 14 of chapter 67 of the private and special laws of 1927 is hereby repealed and the following enacted in place thereof:

'Sec. 14. Application of fund. When the total of principal and accrued interest of said fund shall substantially equal  $\frac{3}{4}$  of the outstanding bonded indebtedness of said city, then the annual interest on said fund, and so much of the principal thereof as the commissioners by and with the approval of the city council shall deem proper, shall be applied to annual reduction of the municipal bonds of said city, but always maintaining not less than \$100,000 in said fund.'

Effective August 20, 1955

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## Chapter 178

### AN ACT Creating an Airfield Zoning Ordinance for the Unorganized Territory of Aroostook County.

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

Sec. 1. Short title. This ordinance shall be known and may be cited as the "Airfield Zoning Ordinance of the Unorganized Territory of Aroostook County."

Sec. 2. Definitions. As used in this ordinance, unless the context otherwise requires:

"Airfield" refers to any Air Force airfield.

"Flight hazard" means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking-off or maneuvering at or in the vicinity of the airfield.

"Nonconforming use" means any structure, natural growth or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulations.

"Person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

"Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

"Landing area" means that part of the airfield that is used or intended to be used for landing and taking-off of aircraft.

"Airfield reference point" means a designated point on the airfield from which distances are measured. For the purpose of this ordinance the airfield reference point will be the existing control tower or a point upon which such a tower normally would be erected.

Sec. 3. Zones. In order to carry out the purposes of this ordinance, all of the unorganized land within the boundaries of Aroostook County and within

50,000 feet of the established airfield reference point; namely, Township of Connor, Township 11, Range 4, Township 10, Range 3, is hereby determined to constitute the zone within which the height limitations contained in the following section are applicable. Airfield reference point at Loring Air Force Base, Maine is the control tower located at that airfield. Airfield reference point at Presque Isle Air Force Base is the control tower located at that airfield. Exact location of these points may be obtained by contacting the proper authorities on each Air Force Base concerned.

**Sec. 4. Height limit.** Except as otherwise provided in this ordinance, no structure or natural growth shall be erected, altered, allowed to grow or maintained in the height limiting zone described: with respect to Loring Air Force Base, Maine, not in excess of 1,245 feet above mean sea level; with respect to Presque Isle Air Force Base, Maine, not in excess of 1,034 feet above mean sea level. Within the area where 2 height limiting zones overlap and within 50,000 feet from established airfield reference point on each airfield, the height limitation shall be determined by the least height, namely, 1,034 feet above mean sea level.

**Sec. 5. Use restrictions.** Notwithstanding any other provisions of this ordinance, no use may be made of land within any of the zones listed in section 4 in such a manner as to create electrical interference with radio communication between the airfield and aircraft; make it difficult for flyers to distinguish between airfield lights and others; result in glare in the eyes of flyers using the airfield; impair visibility in the vicinity of the airfield; or otherwise endanger the landing, taking-off or maneuvering of aircraft.

**Sec. 6. Nonconforming uses.** The regulations prescribed in sections 4 and 5 of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or natural growth not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this ordinance and is diligently prosecuted and completed within 2 years thereof.

**Sec. 7. Variances.** Any person desiring to erect any structure, or increase the height of any structure, or permit natural growth, or use his property, not in accordance with the regulations prescribed in this ordinance, may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance.

**Sec. 8. Permits.**

**I. Future uses.** No material change shall be made in the use of land, and no structure or natural growth shall be erected, altered, planted or otherwise established, in any of the height limiting zones herein specifically listed, unless a permit therefor shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or natural growth would conform to the regulations herein pre-

scribed. If the determination is in the affirmative, the permit applied for shall be granted.

**II. Existing uses.** Before any existing use, structure or natural growth may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or be replanted, within any of the specified height limiting zones, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of a flight hazard or permit a nonconforming use, structure or natural growth to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of this ordinance or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure or natural growth shall be granted.

**Sec. 9. Hazard marking and lighting.** Any permit or variance granted under sections 7 or 8 may, if such action is considered advisable to effectuate the purposes of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or natural growth in question to permit the United States Department of the Air Force, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard.

**Sec. 10. Appeal.** If any person is aggrieved, or taxpayer affected, by the decision of the county commissioners of Aroostook County, he may within 10 days thereafter appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall forthwith fix a time and place for immediate hearing, which may be in vacation, and cause notice thereof to be given to the county commissioners; and after hearing, such justice may affirm, modify or reverse the decision of the county commissioners. Pending judgment of the court, the decision of the county commissioners shall remain in full force and effect. Appeal by such aggrieved person or affected taxpayer to the law court from such decision may be taken as in equity cases. Upon such appeal the proceedings shall be the same as in appeals in equity procedure, and the law court may, after consideration, reverse or modify any decree so made by a justice based upon an erroneous ruling or finding of law.

**Sec. 11. Administrative agency.** The county commissioners of Aroostook County are hereby designated the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the county commissioners shall include that of hearing and deciding all permits under section 8.

**Sec. 12. Penalties.** Each violation of this ordinance or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment, and each day a violation continues shall be a separate offense.

**Sec. 13. Conflicting regulations.** Where this ordinance imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this ordinance shall govern.