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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes

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CHAPTER 239

PLANNING, ZONING AND DEVELOPMENT

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SUBCHAPTER I

REGIONAL DEVELOPMENT

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§ 4501. Regional planning commission

A municipality which has a planning board may join a regional planning commission for the purpose of regional development.

1955, c. 42; 1957, c. 405, § 1.

§ 4502. —Membership

1. Composition. The commission may be composed of 2 or more member municipalities.

2. Budget. The commission shall prepare an annual budget and shall determine on an equitable basis the amount to be paid by each member. The amount to be paid by each member shall be certified to its municipal officers by the commission in sufficient time to allow an appropriation to be made.

A. The failure of a member to appropriate and pay the amount determined by the commission terminates its membership.

3. Planning. A member may raise or appropriate money and furnish necessary services for the use of the commission. A

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member may contract with the commission for the furnishing of funds or services in the preparation of a comprehensive regional plan, and for special planning work to be done by the commission for the member.

1955, c. 42; 1957, c. 405, § 1.

§ 4503. —Representation

1. Appointment. Appointments to the commission shall be made by the municipal officers from nominations of residents submitted by the planning board as follows:

A. Where the population of the municipality according to the last Decennial Census of the United States is less than 20,000, it is entitled to 2 representatives; 20,000 to 100,000, 3; and more than 100,000, 4.

B. Each member is entitled to one associate representative.

2. Term. The term of office of a representative is 4 years, but initial appointments shall be made for 2 and 4 years where a member is entitled to 2 representatives; 2, 3 and 4 years where a member is entitled to more than 2 representatives. The term of office of an associate representative is 4 years.

3. Vacancy. When a regular representative is unable to act because of interest, physical incapacity or absence, the associate representative shall act in his stead. A permanent vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made.

1955, c. 42; 1957, c. 405, § 1.

§ 4504. —Powers and duties

1. Jurisdiction.

A. The jurisdiction of a regional planning commission includes the area of its members.

B. The power of the commission is advisory, and pertains generally to the development of the whole region, or to the solution of a problem which involves more than one member.

2. Organization.

A. The commission shall elect annually a chairman, vice-chairman, secretary, treasurer and other necessary officers from its own representatives.

B. Meetings shall be held at the call of the chairman, and at other times determined by the commission.

C. The commission may adopt bylaws necessary to the conduct of its business. It may accept contributions of any type from any source for its work. It may hire personnel, rent offices and obtain goods and services necessary to its proper function. It may contract with the State and Federal Governments for carrying out the purposes authorized by this section.

D. The secretary shall keep minutes of the proceedings of the commission which shall be filed in the office of the commission. The minutes are a public record.

3. Comprehensive regional plan.

A. The commission shall prepare a comprehensive regional plan containing its recommendations for the development of the area within its jurisdiction.

B. The purpose of the plan is to promote the health, safety and general welfare of the residents of the region.

C. Among other things, it shall be designed to encourage the most appropriate use of land for agriculture, forestry, industry, commerce and residence; to provide adequate transportation and communication; to provide for the proper location of public utilities and services; to encourage the development of adequate recreational areas; to promote good civic design; and to encourage the judicious expenditure of public funds.

D. Among other things, the commission may make recommendations for the use of land; the general location, extent, type of use, character, and development of public ways, public property, public utilities and services; and for the improvement, redevelopment, rehabilitation and conservation of industrial, commercial, residential and other areas.

E. When all or part of the plan is completed, the commission may file certified copies of it with the planning board of any member.

F. The commission may assist a member in carrying out any regional plan developed by the commission.

4. Local assistance.

A. The commission may make recommendations on the basis of its plans and studies to any planning board, to the

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municipal officers of any member, and to any county, state or federal authorities.

B. A municipal planning board may adopt all or part of the regional plan which pertains to the area within its jurisdiction as its own comprehensive plan, subject to sections 4951 to 4956.

C. The commission may assist any of its members in solving a local planning problem. It shall keep an accurate account of the cost of the assistance, and shall provide the member with an itemized statement. The assistance shall be paid for entirely by the member to which the service is rendered.

(1) Where there has been a contribution to the commission for the purpose, part of the cost of local assistance may be paid from it.

1955, c. 42; 1957, c. 405, § 1.

SUBCHAPTER II

HOUSING AUTHORITY

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ARTICLE 1. GENERAL PROVISIONS

§ 4551. Title

This subchapter may be referred to as the "Maine Housing Authorities Act."

R.S.1954, c. 93, § 1.

§ 4552. Definitions

The following terms, wherever used or referred to in this subchapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

1. Area of operation. "Area of operation" of an authority of a town shall include all the town for which it is created, and the area of operation of a housing authority of a city shall include the city and the area within 10 miles outside the territorial boundaries thereof. The area of operation of the housing authority of a city shall not, however, include any area which lies within the territorial boundaries of any other city nor shall it include any portion of a town for which a housing authority has been organized, without the consent by resolution of the selectmen of the town or the governing body of the other city. No authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein.

1957, c. 395, § 8.

2. Authority or housing authority. "Authority" or "housing authority" shall mean any of the public corporations created or authorized to be created by this subchapter.

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3. Bonds. “Bonds” shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this subchapter.

4. Clerk. “Clerk” shall mean the clerk of the city or town or the officer charged with the duties customarily imposed on such clerk.

5. Federal Government. “Federal Government” shall include the United States of America, the Public Housing Administration or any other agency or instrumentality, corporate or otherwise, of the United States of America.

6. Governing body. “Governing body” shall mean the city council or other legislative body charged with governing a city.

7. Major disaster. “Major disaster” shall mean any flood, drought, fire, hurricane, earthquake, storm or other catastrophe which, in the determination of the governing body, is of sufficient severity and magnitude to warrant the use of available resources of the Federal, State and local governments to alleviate the damage, hardship or suffering caused thereby.

1957, c. 395, § 8.

8. Municipality. “Municipality” shall mean city or town as the case may be.

9. Obligee of the authority or obligee. “Obligee of the authority” or “obligee” shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with a project, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the authority.

10. Persons engaged in national defense activities. “Persons engaged in national defense activities” shall mean persons in the Armed Forces of the United States; employees of the Department of Defense; and workers engaged or to be engaged in activities connected with national defense. The term includes the families of the persons, employees and workers who reside with them.

1957, c. 395, § 8.

11. Persons of low income. “Persons of low income” shall mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking a proj-

ect, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

12. Project or housing project. "Project" or "housing project" shall mean any work or undertaking:

A. To demolish, clear or remove buildings from any slum area; or

B. To provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes; or

C. To accomplish a combination of the foregoing.

The terms "project" or "housing project" may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

1957, c. 395, § 8.

13. Selectmen. "Selectmen" shall mean the board of selectmen of the town or, if the town has no selectmen, the officers charged with the duties customarily imposed on the board of selectmen thereof.

14. State public body. "State public body" shall mean any city, town, district or other political subdivision of the State.

R.S.1954, c. 93, § 22; 1957, c. 395, § 8; 1961, c. 244, § 3.

§ 4553. Declaration of necessity

It is declared that there exists in urban and rural areas in the State insanitary, unsafe and overcrowded dwelling accommodations; that in such urban and rural areas within the State there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons, particularly veterans, of low income can afford and that such shortage forces such per-

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sons to occupy insanitary, unsafe and overcrowded dwelling accommodations; that such conditions, and the existence of blighted areas, impair economic values and tax revenues; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the State; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection and other public services and facilities; that these areas in the State cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise, and that the construction of housing projects for persons of low income would therefore not be competitive with private enterprise; that the construction of such projects would make housing available for returning veterans of low income who are unable to provide themselves with decent housing on the basis of the benefits heretofore made available to them through certain government guarantees of loans to veterans for the purchase of residential property; that the clearance, replanning and preparation for rebuilding of these areas, the prevention or the reduction of blight and its causes, and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; that residential construction activity is closely correlated with general economic activity and that the undertakings authorized by this subchapter to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction which will assist materially in achieving and maintaining full employment; and that it is in the public interest that advance preparations for such projects and activities be made now, and that the necessity in the public interest for the provisions hereinafter enacted is declared as a matter of legislative determination.

R.S.1954, c. 93, § 2.

§ 4554. Planning, zoning and building laws

All projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated. In the planning and location of any project, an authority shall con-

form to any larger or long-range program for the development of the area in which the project is located.

R.S.1954, c. 93, § 11.

§ 4555. Exemption of property from execution sale

All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property. This section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage or other security of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues or the right of the Federal Government to pursue any remedies conferred upon it pursuant to this subchapter.

R.S.1954, c. 93, § 16.

§ 4556. Savings clause

If any clause, sentence or section of this subchapter shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence or section of this subchapter directly involved in the controversy in which said adjudication shall have taken place.

1957, c. 395, § 9.

ARTICLE 2. ESTABLISHMENT AND ORGANIZATION

§ 4601. Creation of city and town authorities

In each city and in each town there is created a public body corporate and politic to be known as the "Housing Authority" of the city or town. Such authority shall not transact any business or exercise its powers until or unless the governing body of the city or the annual meeting of the town, as the case may be, by proper resolution shall declare that there is need for an authority to function in such city or town. Any housing authority created and existing pursuant to the public laws of 1943, chapter 260, shall, notwithstanding the expiration of that chapter, continue in existence for the purposes of and shall have the powers grant-

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ed by this subchapter, if the governing body of the city or annual meeting of the town for which such housing authority was created declares by proper resolution that there is need for such housing authority to exercise the powers granted by this subchapter. The governing body of the city or the annual meeting of the town shall give consideration as to the need for an authority on its own motion or upon the filing with the mayor or the selectmen, as the case may be, of a petition signed by 25 qualified voters of the city or town, as the case may be, asserting that there is need for an authority to function in such city or town and requesting that its governing body or the annual meeting of the town so declare. The governing body of the city or the annual meeting of the town shall adopt a resolution declaring that there is need for an authority in the city or town, as the case may be, if it shall find that insanitary or unsafe inhabited dwelling accommodations or blighted areas exist in such city or town, or that there is a shortage of safe or sanitary dwelling accommodations in such city or town available to persons of low income at rentals or prices they can afford.

Upon the adoption of a resolution by the governing body of a city or the annual meeting of a town, the mayor of the city or the selectmen of the town, as the case may be, shall proceed to appoint the commissioners of the authority.

R.S.1954, c. 93, § 3.

§ 4602. Appointment, qualifications, tenure and meetings of commissioners

Each authority shall have 5 commissioners appointed. In the case of a city having a mayor-council form of government, appointment shall be by the mayor with the advice and consent of the council; in the case of a city having a manager-council form of government, appointment shall be by the council; in the case of a town, appointment shall be by the selectmen. No commissioner shall be appointed until the authority is authorized to function as provided in section 4601. The commissioners shall be appointed for a term of office of 5 years, except that all vacancies shall be filled for the unexpired term, all such appointments to be made in the same manner as the original appointment.

Each authority shall elect a chairman and vice-chairman from among the commissioners. An authority may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees as it may require,

and shall determine their qualifications, duties and compensation. An authority may employ its own counsel and legal staff. It may delegate to its agents or employees such powers or duties as it may deem proper.

A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the authority and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an authority shall be vested in the commissioners thereof in office from time to time. Three commissioners of an authority shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case its bylaws shall require a larger number. Meetings of the commissioners of an authority may be held anywhere within the perimeter boundaries of the area of operation of the authority or within any additional area where the authority is authorized to undertake a project. Appointments may be made of any persons as commissioners of the authority who reside within its boundaries or area, and who are otherwise eligible for such appointments under this subchapter.

R.S.1954, c. 93, § 4; 1957, c. 395, § 1; c. 429, § 80; 1961, c. 244, § 1.

§ 4603. Conflict of interest

During his tenure and for one year thereafter, no commissioner, officer, or employee of the authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, then, in any such event, the commissioner, officer or employee shall immediately disclose his interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority and the commissioner,

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officer or employee shall not participate in any action by the authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of the authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

R.S.1954, c. 93, § 5; 1957, c. 395, § 2.

§ 4604. Removal of commissioners

For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed after a hearing by the governing body of the city or the selectmen of the town, as the case may be, provided he shall have been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of a commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

R.S.1954, c. 93, § 6.

ARTICLE 3. POWERS AND DUTIES

§ 4651. Powers generally

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary to carry out and effectuate the purposes and provisions of this subchapter, but not the power to levy and collect taxes or special assessments, including the following powers in addition to others granted:

1. General. To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with this subchapter, to carry into effect the powers and purposes of the authority.

2. Housing projects. Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part thereof.

3. Housing needs. To undertake and carry out studies and analyses of the housing needs within its area of operation and of the meeting of such needs, including data with respect to population and family groups, and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof, and to make the results of such studies and analyses available to the public and the building, housing and supply industries; and to engage in research and disseminate information on housing.

4. Contract for services, other uses; wages and hours of labor. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and, notwithstanding anything to the contrary contained in this subchapter or in any other provision of law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal Government may have attached to its financial aid of the project.

1957, c. 395, § 3.

5. Leasing or renting; eminent domain; insurance. To lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in this subchapter, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire, by the exercise of the power of eminent domain, any real prop-

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erty; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

6. Investment of funds. To invest any funds held in reserves of sinking funds or any funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchased to be canceled.

7. Slum clearance. Within its area of operation: To determine where slum areas exist or where there is a shortage of safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas and the problem of providing dwelling accommodations for persons of low income; and to cooperate with the city or town, the county, the State or any political subdivision thereof in action taken in connection with such problems.

8. Investigations and examinations. Acting through one or more commissioners or other persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the State or unable to attend before the authority or excused from attendance; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

9. Powers granted. To exercise all or any part or combination of powers granted.

R.S.1954, c. 93, § 7; 1957, c. 395, § 3.

§ 4652. Operation of housing not for profit

It is declared to be the policy of this State that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income, and that no authority shall construct or operate any housing project for profit, or as a source of revenue to the municipality. To this end, an authority shall fix the rentals or payments for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient:

1. Bond principal and interest. To pay, as the sums become due, the principal and interest on the bonds of the authority;

2. Reserves. To create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on its bonds;

3. Cost and operating projects. To meet the cost of and to provide for maintaining and operating the projects, including necessary reserves therefor and the cost of any insurance, and the administrative expenses of the authority;

4. Payments in lieu of taxes. To make such payments in lieu of taxes as it determines are consistent with the maintenance of the low-rent character of projects;

5. Property declared to be public property. The property of an authority is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes and from betterments and special assessments of the city, the town, the county, the State or any political subdivision thereof. In lieu of taxes on its property an authority may agree to make such payments to the city, the town, the county, the State or any political subdivision thereof as it finds consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this subchapter.

R.S.1954, c. 93, § 8.

§ 4653. Housing rentals and tenant admissions; veterans preference

In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant admissions:

1. Rent to persons of low income. It may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income;

2. Number of rooms. It may rent or lease to a tenant, dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding; and

3. Annual net income. An authority in its operations within a city or town shall not accept any person or persons as tenants in any housing project if the person or persons who occupy the dwelling accommodations have an aggregate annual net income, less an exemption of \$100 for each minor member of the family, in excess of 5 times the annual rental of the quarters to be furnished such person or persons; in computing the rental for this purpose of admitting tenants, there shall be included in the rental the average annual cost, as determined by the authority, to occupants, of heat, water, electricity, gas, cooking fuel and other necessary services or facilities, whether or not the charge for such services and facilities is included in the rental.

In the selection of tenants for housing projects, as among low-income families which are eligible applicants for occupancy in dwellings of given sizes and at specified rents, a housing authority shall extend the following preferences: First, to families which are to be displaced by any low-rent housing project or by any public slum-clearance or redevelopment project initiated after January 1, 1947, or which were so displaced within 3 years prior to making application to such public housing agency for admission to any low-rent housing; and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans Administration to be service-connected, and 2nd preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans Administration to be service-connected, and 3rd preference shall be given to families of other

veterans and servicemen; and, 2nd, to families of other veterans and servicemen and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans Administration to be service-connected and 2nd preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans Administration to be service-connected.

As used in this section the term "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1917, and prior to November 11, 1918 or at any time on or after June 27, 1950 and prior to February 1, 1955, and who shall have been discharged or released therefrom under conditions other than dishonorable. The term "serviceman" shall mean a person in the active military or naval service of the United States who has served therein on or after September 16, 1940 and prior to July 26, 1947, or at any time on or after April 6, 1917 and prior to November 11, 1918 or at any time on or after June 27, 1950 and prior to February 1, 1955.

Notwithstanding any provisions of this section, an authority may agree to conditions as to tenant eligibility or preference required by the Federal Government pursuant to federal law in any contract for financial assistance with the authority.

Nothing contained in this section or section 4652 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this section or section 4652.

R.S.1954, c. 93, § 9; 1955, c. 147, § 3.

§ 4654. Dwellings for disaster victims and defense workers

Notwithstanding the provisions of this subchapter or any other law relating to rentals of, preferences or eligibility for admission to, or occupancy in housing projects, during the period when an authority determines that there is an acute need in its area of operation for housing to assure the availability of dwellings for persons engaged in national defense activities or for victims of a major disaster, an authority may undertake the development and administration of housing projects for the Federal Government, and dwellings in any housing project under the

jurisdiction of the authority may be made available to persons engaged in national defense activities or to victims of a major disaster, as the case may be. An authority is authorized to contract with the Federal Government or the State or a state public body for advance payment or reimbursement for the furnishing of housing to victims of a major disaster, including the furnishing of the housing free of charge to needy disaster victims during any period covered by a determination of acute need by the authority as provided.

1957, c. 395, § 4.

§ 4655. Cooperation between authorities

Any 2 or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of any one or more of said authorities.

R.S.1954, c. 93, § 10.

§ 4656. Eminent domain

An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this subchapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in Title 35, chapter 263; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

R.S.1954, c. 93, § 18.

§ 4657. Cooperation in undertaking projects

Any state public body may upon such terms, with or without consideration, as it may determine:

1. Interest in property; rights and privileges. Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority;

2. Facilities furnished. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facili-

ties, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with any project;

3. Roads, streets, ways. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places, in or adjacent to any project;

4. Plans and zoning. Plan or replan, zone or rezone any part of such state public body; make exceptions from building regulations and ordinances; any city may change its map;

5. Services. Cause services to be furnished to the housing authority of the character which such state public body is otherwise empowered to furnish;

6. Agreements as to buildings. Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, closing or demolition of unsafe, insanitary or unfit buildings;

7. Sums in lieu of taxes. Agree with the housing authority with respect to the payment by the housing authority of such sums in lieu of taxes as are determined by the authority to be consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this subchapter;

8. Aid and cooperation. Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such projects;

9. Agreements respecting action of the state public body. Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this subchapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of low-rent housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency. Any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without public notice, advertisement or public bidding, notwithstanding any other laws to the contrary. (1957, c. 395, § 7.)

R.S.1954, c. 93, § 20; 1957, c. 395, § 7.

ARTICLE 4. FUNDS AVAILABLE

§ 4701. Federal aid

In addition to the powers conferred upon an authority by other provisions of this subchapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the Federal Government for or in aid of any project within its area of operation, to take over or lease or manage any project or undertaking constructed or owned by the Federal Government, and to those ends, to comply with such conditions and enter into such mortgages, trust, indentures, leases or agreements as may be necessary, convenient or desirable. In any contract with the Federal Government for annual contributions to the authority, the authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws, to convey to the Federal Government the project to which such contract relates, upon the occurrence of a substantial default, as defined in such contract, with respect to the covenants or conditions to which the authority is subject. Such contract may further provide that in case of such conveyance, the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract, provided the contract requires that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the authority the project as then constituted. It is the purpose and intent of this subchapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any project by such authority. No authority shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for any project unless or until the governing body of its city, after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof, or the annual meeting of its town, as the case may be, shall, by resolution duly adopted, have approved its entering into such contract, provided that nothing contained in this or the succeeding paragraphs of this section shall require the holding of a referendum to authorize the housing authority of any city or town to enter into any contract for loans, grants, con-

tributions or other financial assistance with the Federal Government for the rehabilitation, alteration or repairs of any housing project already existing and in operation on the date of such contract. To accomplish this purpose an authority, notwithstanding any other law, may include in any contract for financial assistance with the Federal Government any conditions, which the Federal Government may attach to its financial aid of a project, not inconsistent with the purposes of this subchapter.

No authority of any city in excess of 60,000 population shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for any project unless or until a majority of the voters, voting in a referendum duly held, have voted in favor of the question: "Do you favor the development of approximately dwelling units of low-rent housing for persons of low income to be constructed in the area, bounded as follows:, within the territorial boundaries of the city for which the housing authority of the city may enter into agreements or contracts with the Federal Government for loans, grants, contributions or other financial assistance?"

The number of dwelling units and the location to be inserted in the proposed question shall be determined by appropriate resolution of the authority which shall furnish the city clerk with a copy thereof. The governing body shall authorize and make the necessary provisions for the holding of said referendum on a date no later than 60 calendar days from the receipt of said resolution by the city clerk. No authority of such city shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government unless or until the governing body of such city shall, by resolution duly adopted, have approved its application to the Federal Government for such financial assistance.

R.S.1954, c. 93, § 17; 1957, c. 395, § 5; 1959, c. 351, §§ 1, 2; 1961, c. 244, § 2; 1963, c. 414, § 160.

§ 4702. Municipal advances to housing authorities

The municipality for which a housing authority is created shall have the power from time to time to lend or donate money to such authority. When such a loan is made to a housing authority to aid its initial organization or its planning and preparation for projects, the loan may be made upon the condition that the housing authority shall repay the loan out of any money

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which becomes available to it for the construction of the projects involved.

R.S.1954, c. 93, § 21.

ARTICLE 5. BONDS

§ 4751. Issuance and conditions

An authority shall have power to issue bonds from time to time in its discretion for any of its corporate purposes. An authority shall have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including, without limiting the generality of the foregoing, bonds on which the principal and interest are payable; exclusively from the income and revenues of the project financed with the proceeds of such bonds; exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds; or from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the Federal Government or other source, or a pledge of any income or revenues of the authority or a mortgage of any project, projects or other property of the authority.

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding 6% per year, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, as such resolution, its trust indenture or mortgage may provide.

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery.

The bonds may be sold at public or private sale at not less than par. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this subchapter shall be fully negotiable.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority, and such bonds and obligations shall so state on their face, shall not be a debt of the municipality, the State or any political subdivision thereof and neither the municipality nor the State or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

In any civil action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a project shall be deemed to have been issued for such purpose, and such project shall be deemed to have been planned, located and carried out in accordance with the purposes and provisions of this subchapter.

R.S.1954, c. 93, § 12; 1963, c. 414, § 107.

§ 4752. Provisions of bonds, trust indentures and mortgages

In order to secure the payment of its bonds, an authority in addition to its other powers shall have power:

1. Pledge of assets. To pledge all or any part of its gross or net rents, fees or revenues, including any grants or contributions from the Federal Government or other source, to which its right then exists or may thereafter come into existence.

2. Mortgage property. To mortgage all or any part of its real or personal property then owned or thereafter acquired.

3. Covenants against pledging, mortgaging, disposal or debts. To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other or additional debts or obligations may be incurred by it.

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4. Covenants against extending bond payments and redemption. To covenant against extending the time for the payment of its bonds or interest thereon, and to covenant for the redemption of the bonds and to provide the terms and conditions thereof.

5. Procedure to amend contracts with bondholders. To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

6. Breach of covenant. To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

7. General powers. To exercise all or any part or combination of the powers granted; to make such other covenants and to do such acts and things as may be necessary or desirable in order to secure its bonds or, in the absolute discretion of said authority, as will tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated.

R.S.1954, c. 93, § 13.

§ 4753. Remedies of an obligee

An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

1. Compel performance. By mandamus, civil action or proceeding to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this subchapter.

1961, c. 317, § 260.

2. Enjoin. By civil action or proceeding to enjoin any acts or things which may be unlawful or the violation of any of the rights of such obligee of said authority. (1961, c. 317, § 260.)

R.S.1954, c. 93, § 14; 1961, c. 317, § 260.

§ 4754. Additional remedies conferrable by authority

An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

1. Cause possession of project to be surrendered. To cause possession of any project or any part thereof to be surrendered to any such obligee.

2. Obtain appointment of receiver. To obtain the appointment of a receiver of any project of the authority or any part thereof and of the rents and profits therefrom.

3. Require accounting. To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

R.S.1954, c. 93, § 15.

§ 4755. Bonds as legal investments and security

The State and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks, commercial banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies, insurance associations and other persons carrying on a banking or insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority created by or pursuant to this subchapter or issued by any public housing authority or agency in the United States, any of its territories, the District of Columbia, Puerto Rico, Guam or the Virgin Islands, when such bonds or other obligations are secured by a pledge of annual contributions or other financial assistance to be paid by the Federal Government, or when such bonds or other obligations are secured by an agreement between the United States Govern-

ment or any agency thereof and the public housing authority or agency in which the United States Government or any agency thereof agrees to lend to the public housing authority or agency, prior to the maturity of the bonds or other obligations, moneys in an amount which, together with any other moneys irrevocably committed to the payment of interest on the bonds or other obligations, will suffice to pay the principal of the bonds or other obligations with interest to maturity, which moneys under the terms of the agreement are required to be used for that purpose, and such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this State; it being the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. Nothing contained in this section shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities. This section shall apply notwithstanding any restrictions on investments contained in other laws.

R.S.1954, c. 93, § 19; 1957, c. 395, § 6.

SUBCHAPTER III

URBAN RENEWAL

Sec.

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§ 4801. Definitions

The following terms wherever used or referred to in this subchapter shall have the following meanings, unless a different meaning is clearly indicated by the context:

1. Authority or Urban Renewal Authority. "Authority" or "Urban Renewal Authority" shall mean a public body corporate, and politic, created by or pursuant to this subchapter.

2. Blighted area. "Blighted area" shall mean:

A. An area in which there is a predominance of buildings or improvements which, by reason of dilapidation, deterioration, age or obsolescence; or inadequate provision for ventilation, light, air, sanitation or open spaces; or high density of population and overcrowding; or the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors, is conducive to ill health or transmission of disease, or infant mortality, or juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.

B. An area which, by reason of the predominance of inadequate street layout, insanitary or unsafe conditions; tax or special assessment delinquency exceeding the fair value of the land, the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, and is a menace to the public health, safety, morals or welfare in its present condition and use, provided that if such blighted areas consist of open land, the conditions contained in section 4808 shall apply and provided that any disaster area referred to in section 4808 shall constitute a blighted area.

3. Bonds. "Bonds" shall mean any bonds, including refunding bonds, notes, interim certificates, debentures or other obligations pursuant to this subchapter.

4. Federal Government. "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

5. Obligee. "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the authority property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part

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thereof, and the Federal Government when it is a party to any contract with the authority.

6. Person. "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and shall include any trustee, receiver, assignee or other similar representative thereof.

7. Public body. "Public body" shall mean the State of Maine, or any agency or instrumentality thereof, or any board, commission, authority or district within the territorial boundaries of the municipality.

8. Real property. "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

9. Redeveloper. "Redeveloper" shall mean any person, partnership or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.

10. Redevelopment contract. "Redevelopment contract" shall mean a contract entered into between the authority and a redeveloper for the redevelopment of an area in conformity with an urban renewal plan.

11. Slum area. "Slum area" shall mean a blighted area in an extreme state of deterioration and decay.

12. Urban renewal plan or renewal plan. "Urban renewal plan" or "renewal plan" means a plan, as it exists from time to time for an urban renewal project, which plan shall conform to the general plan for the municipality as a whole except as provided in section 4808; and shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

13. Urban renewal project or renewal project. "Urban renewal project" or "renewal project" may include undertakings

and activities of the authority in an urban renewal area for the elimination, and for the prevention of the development or spread, of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertaking and activities may include:

- A.** Acquisition of a slum area or a blighted area or portion thereof;
- B.** Demolition and removal of buildings and improvements;
- C.** Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this subchapter in accordance with the urban renewal plan;
- D.** Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- E.** Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and
- F.** Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

1959, c. 359, § 1.

§ 4802. Creation of authority

A municipality may create an Urban Renewal Authority under this subchapter as follows:

1. Resolution. No municipality shall exercise the authority conferred upon municipalities by this subchapter until after its municipal officers shall have adopted a resolution finding that:

- A.** One or more slums or blighted areas exist in such municipality; and

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B. The rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

2. Question for voters. After such finding, the municipal officers at any regular or special election or town meeting may submit to the voters in accordance with their charter or section 2061, the following question:

“Shall the municipality adopt the provisions of the urban renewal law, Revised Statutes, Title 30, chapter 239, subchapter III, and authorize the establishment of an Urban Renewal Authority?”.

3. Favorable vote. If a majority of the ballots cast on this question favor acceptance, this law shall become effective immediately upon declaration of the vote by the municipal officers, provided the total number of votes cast for and against the acceptance of the act equals or exceeds 20% of the total votes cast in said municipality for all candidates for Governor at the next previous gubernatorial election.

4. Certificate of result; failure and resubmitting question. The result of said elections shall be declared by the municipal officers and due certificate thereof shall be filed by the municipal clerk with the Secretary of State. Failure of approval shall not prevent the municipal officers from again submitting said question to the voters of said municipality in the manner provided.

1959, c. 359, § 1.

§ 4803. Organization

There is created in each municipality that adopts section 4802 a public body corporate and politic to be known as the “Urban Renewal Authority” of the municipality.

1. Board of trustees. The municipal officers shall appoint a board of trustees of the Urban Renewal Authority which shall consist of 5 trustees. The term of office of a trustee is 5 years, but initial appointments shall be made for 1, 2, 3, 4 and 5 years respectively.

2. Expenses; term of office. A trustee shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each trustee shall hold office until his successor has been appointed and has qualified. A certificate of the

appointment or reappointment of any trustee shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such trustee.

3. Quorum; powers; eligibility. The powers of the Urban Renewal Authority shall be exercised by the trustees thereof. A majority of the trustees shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the authority upon a vote of a majority of the trustees present. Any persons may be appointed as trustees if they reside within the municipality and are otherwise eligible for such appointments under this subchapter.

4. Officers; employees; reports. The trustees shall elect a chairman and vice-chairman from among their number. The authority may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, the authority may employ or retain its own counsel and legal staff. The authority authorized to transact business and exercise powers under this subchapter shall file, with the local governing body, on or before January 31st of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the authority shall publish in a newspaper of general circulation in the municipality a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the municipal clerk.

5. Removal from office; hearing. For inefficiency, neglect of duty or misconduct in office, a trustee may be removed by the municipal officers after a hearing and after he shall have been given a copy of the charges at least 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel.

1959, c. 359, § 1.

§ 4804. Powers

The authority shall exercise public and essential governmental functions, and have all the powers necessary to carry out

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and effectuate the purposes and provisions of this subchapter, including the following powers in addition to others herein granted:

1. General powers. To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this subchapter, to carry out this subchapter.

2. Plans and projects; issue bonds. To undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which this subchapter confers on an authority with respect to urban renewal projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the authority, the municipality and all public and private officers, agencies and bodies shall have all the rights, powers, privileges and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of this subchapter applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project. In addition to the surveys and plans which the authority is otherwise authorized to make, the authority is hereby specifically authorized to make:

A. Plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements;

B. Urban renewal plans and preliminary plans outlining urban renewal activities for neighborhoods to embrace 2 or more urban renewal areas;

C. Plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements;

D. To prepare plans for the relocation of persons, including families, business concerns and others, displaced by an urban renewal project, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not

otherwise made, including the making of such payments financed by the Federal Government.

3. Slums and urban blight. To develop, test and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and urban blight.

4. Borrow money; assistance. To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, the municipality or other public body, or from any sources, public or private, for the purposes of this subchapter, to give such security as may be required and to enter into and carry out contracts in connection therewith; and the authority may include in any contract for financial assistance with the Federal Government for an urban renewal project, such condition imposed pursuant to federal law as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this subchapter.

5. Surveys, appraisals, studies and plans. Within its area of operation, to make or have made by the planning board or other agency, public or private, all surveys, appraisals, studies and plans, including the preparation of a master plan for the municipality, necessary to the carrying out of the purposes of this subchapter, and to contract or cooperate with any and all persons or agencies, public or private, in the making and carrying out of such surveys, appraisals, studies and plans.

6. Relocation of families. To prepare plans and provide reasonable assistance for the relocation of families displaced from an urban renewal project area to permit the carrying out of the urban renewal project, to the extent essential for acquiring possession of and clearing such area or parts thereof.

7. Expenditures. To make such expenditures as may be necessary to carry out the purposes of this subchapter; and to make expenditures from funds obtained from the Federal Government, except insofar as conditions shall be prescribed for this purpose by the municipal officers.

1959, c. 359, § 1.

§ 4805. Workable program

The authority for the purposes of this subchapter may formulate for the municipality a workable program for utilizing

appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: The prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

1959, c. 359, § 1.

§ 4806. Preparation and approval of renewal plans

The authority shall not acquire real property for a renewal project unless the municipal officers of the municipality have approved by resolution the renewal plan, as prescribed in this section.

1. Master plan. The authority shall not recommend an urban renewal plan to the municipal officers until a master plan in substance for the development of the municipality has been prepared as set forth in subchapter V.

2. Urban renewal plan. The authority may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to the authority. An urban renewal plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the urban renewal area, and shall include without being limited to:

A. The boundaries of the urban renewal area, with a map showing the existing uses and conditions of the real property therein;

B. A land use plan showing proposed uses of the area;

C. Information showing the standards of population densities, land coverage and building intensities in the area after renewal;

D. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;

E. A site plan of the area; and

F. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

3. Recommendations by planning board. Prior to recommending an urban renewal plan to the municipal officers for approval, if such plan has not been prepared by the planning board, the authority shall submit the plan to the planning board for review and recommendations as to its conformity with the master plan for the redevelopment of the municipality as a whole. The planning board shall submit its written recommendations with respect to the proposed renewal plan to the authority within 45 days after receipt of the plan for review. Upon receipt of the recommendations of the planning board, or, if no recommendations are received within said 45 days, then without such recommendations, the authority may recommend the renewal plan to the municipal officers for approval.

4. Whether plan accomplishes certain purposes. Prior to recommending an urban renewal plan to the municipal officers for approval, the authority shall consider whether the proposed land uses and building requirements in the renewal project area are designed with the general purpose of accomplishing, in conformance with the master plan, a coordinated, adjusted and harmonious development of said municipality which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling

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accommodations, slums or conditions of blight, and the provisions of adequate, safe and sanitary dwelling accommodations.

5. Recommendation by authority accompanied by recommendation of planning board. The recommendation of an urban renewal plan by the authority to the municipal officers shall be accompanied by the recommendations, if any, of the planning board concerning the renewal plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the renewal project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the urban renewal project; and a statement of a feasible method proposed for the relocation of families to be displaced from the urban renewal area.

6. Public hearing; notice. The municipal officers shall hold a public hearing on an urban renewal plan after reasonable public notice, but not less than 7 days, by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the renewal area covered by the plan and shall outline the general scope of the urban renewal project under consideration.

7. Approval of renewal plan; disapproval. Following such hearing, the municipal officers may approve by resolution a renewal plan, if it finds that said plan is feasible and in conformity with the master plan for the development of the municipality as a whole; provided that, if the planning board disapproves any renewal plan, the plan shall not be deemed approved except by $\frac{2}{3}$ vote of the municipal officers. A redevelopment plan which has not been approved by the municipal officers when recommended by the authority may again be recommended to it with any modifications deemed advisable.

8. Modification of renewal plan. An urban renewal plan may be modified at any time by the authority provided that, if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or redevelopers of such real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipal officers, the modification must similarly be approved by the municipal officers.

1959, c. 359, § 1.

§ 4807. Eminent domain

The authority shall have the right to acquire all or any part of the real property, or any interest therein, within the renewal project area by the exercise of the power of eminent domain, whenever it shall be judged by the authority that the acquisition of said real property, or the interest therein, is in the public interest or necessary for the public use.

The necessity for such acquisition shall be conclusively presumed upon the adoption by the authority of a resolution declaring that the acquisition of the real property, or interest therein, described in such resolution is in the public interest and necessary for the public use and that such real property, or interest therein, is included in an approved urban renewal project under this subchapter. Within 3 months after the adoption of such resolution, the authority shall cause to be filed in the registry of deeds for the county a copy of such resolution of the authority, together with a plat of the real property, or interest therein, described and a statement, signed by the chairman of the authority that such real property, or interest therein, is taken pursuant to this subchapter. Thereupon, the authority shall file in the Superior Court of the county a statement of the sum of money estimated by said authority to be just compensation for the real property taken.

Upon the filing of the copy of such resolution, plat and statement in said registry of deeds, the filing in the Superior Court of the statement and the depositing in said Superior Court, to the use of persons entitled thereto, of bonds with surety satisfactory to the clerk of said court in such amounts as the court shall determine to be amply sufficient to satisfy the claims of all persons interested in said real property, and the court may, in its discretion, take evidence on the question to determine the amounts of the bonds to be deposited, title to such real property, or interest therein, shall vest in the authority in fee simple absolute and said authority thereupon may take possession of said real property, or interest therein.

After the filing of such copy, plat and statement, notice of the taking of such real property, or interest therein, shall be served upon the owners of and persons having an estate in and interested in such real property by a sheriff or his deputies by leaving a true and attested copy of such description and statement with each of such persons personally or at their last and usual place of abode in this State or with some person living there. If any such persons are nonresidents of the State, a true

and attested copy of the notice shall be sent by registered mail, return receipt requested, to such persons at their last known address. In the event that ownership or interest in the real property cannot be ascertained after due and diligent search, an award shall be made to persons unknown for the value of said property and bonds for said amount running to the treasurer of said county for the use of persons entitled thereto shall be deposited in said Superior Court. If, during the period of 2 years after the depositing of such bonds, no person has been able to prove ownership of such real property, or interest therein, the Superior Court shall order the bonds so deposited to be cancelled and delivered up to the authority. After the filing of such resolution, plat and statement, the authority shall cause a copy of such resolution and statement, which statement shall set forth the names of the persons having an estate in such real property and the amount awarded to them, to be published in some newspaper having general distribution in the county, at least once a week for 3 successive weeks. When any person shall agree with the authority for the price of the real property, or interest therein, so taken and the sum agreed upon is paid by the authority, the court shall order the bond so deposited to be cancelled and delivered up to the authority.

Any owner of, or persons entitled to any estate in or interest in any part of the real property, or interest therein, so taken, who cannot agree with said authority for the price of the real property, or interest therein, so taken in which he is interested as aforesaid, may, within 3 months after personal notice of said taking, or, if he has no personal notice, may within one year from the first publication of the copy of such resolution and statement referred to in the preceding paragraph, apply by complaint to the Superior Court in and for the county, setting forth the taking of his real property, or interest therein, and praying for an assessment of damages by a jury. Upon filing of such complaint, the said court shall cause 20 days' notice of the pendency thereof to be given to such authority by serving the chairman of the authority with a certified copy thereof, and may proceed after such notice to the trial thereof. Such trial shall determine all questions of fact relating to the value of such real property, or interest therein, and the amount thereof, and judgment shall be entered upon the verdict of such jury and execution shall be issued therefor against the money so deposited in said court. In case the authority is in doubt as to conflicting ownership or interest, the authority may file a complaint in the said Superior Court for a determination of the various rights and amounts due.

In case 2 or more conflicting plaintiffs make claim to the same real property, or to any interests therein or to different interests in the same parcel of real property, said court, upon motion, shall consolidate their several complaints for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof. Appeal from the decision of the Superior Court may be made in like manner as provided for appeals in civil cases.

If any real property or interests therein, in which any infant or other person not capable in law to act in his own behalf is interested, is taken by such authority under this subchapter, said Superior Court, upon the filing therein of any such complaint by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person; and such guardian may, with the advice and consent of said Superior Court and upon such terms as said Superior Court may prescribe, release to such authority all claims for damages for the real property of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of any such infant or other person, with the approval of the court of probate within this State having jurisdiction to authorize the sale of real property within this State of any such infant or other person, may, before the filing of any such complaint, agree with such authority upon the amount of damages suffered by such infant or other person by any taking of his real property or of his interests in any real property and may, upon receiving such amount, release to such authority all claims for damages of such infant or other person for such taking.

In any proceedings for the assessment of compensation and damages for real property, or interest therein, taken or to be taken by eminent domain by the authority, the following provisions shall be applicable:

1. Application to expedite further proceedings. At any time during the pendency of such action or proceedings, the authority or an owner may apply to said court for an order directing an owner or the authority, as the case may be, to show cause why further proceedings should not be expedited, and said court may upon such application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition.

2. Property devoted to a public use. If any of the real property or interest therein, included within the project, is de-

voted to a public use, it may nevertheless be acquired, and the taking shall be effective, provided that no real property, or interest therein, belonging to the municipality or to any government shall be acquired without its consent, and that no real property, or interest therein, belonging to a public utility corporation may be acquired without the approval of the Public Utilities Commission or other officer or tribunal having regulatory power over such corporation. Any real property or interest therein, already acquired by the authority, may nevertheless be included within such taking for the purpose of acquiring any outstanding interests in such real property.

3. Owner defined. The term "owner" as used in this section shall include a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon.

1959, c. 359, § 1; 1963, c. 414, § 100.

§ 4808. Acquisition and development of land

Upon a determination by resolution of the municipal officers that the acquisition and development of undeveloped vacant land, not within a slum or blighted area, is essential to the proper clearance or redevelopment of slum or blighted areas or a necessary part of the general slum clearance program of the municipality, the acquisition, planning, preparation for development or disposal of such land shall constitute an urban renewal project which may be undertaken by the authority provided that such area shall not be so acquired unless:

1. Residential uses. If the undeveloped vacant land is to be developed for residential uses, the municipal officers shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or

2. Nonresidential uses. If undeveloped vacant land is to be developed for nonresidential uses, the municipal officers shall

determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this subchapter, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

Notwithstanding any other provisions of this subchapter, where the municipal officers certify that an area is in need of re-development or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm or other catastrophe respecting which the Governor of the State has certified the need for disaster assistance under Public Law 875, 81st Congress, or other federal law, the municipal officers may approve an urban renewal plan and an urban renewal project with respect to such area without regard to section 4807 and the sections requiring a general plan for the municipality and a public hearing on the urban renewal project.

1959, c. 359, § 1.

§ 4809. Authorization to issue bonds

The authority may issue bonds to finance any undertakings authorized by this subchapter under the following conditions:

1. Hearing held. The municipal officers shall certify that the hearing required by section 4806 has been held;

2. Approval of renewal plan granted. The municipal officers shall certify that approval of the renewal plan as required by section 4806 has been granted;

3. Copies of certificates filed. Copies of said certificates shall be filed with the authority and with the municipal clerk;

4. Reconsideration if no approval. Failure of approval shall not prevent the municipal officers from again considering the renewal plan in the manner provided.

1959, c. 359, § 1.

§ 4810. Bond issues

The authority shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban re-

newal project under this subchapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans, and shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues and funds of the authority derived from or held in connection with its undertaking and carrying out of urban renewal projects under this subchapter, provided that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this subchapter, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality.

1. Not municipal indebtedness; not taxable. Bonds issued under this section shall not constitute a municipal indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under this subchapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

2. General characteristics. Bonds authorized under this section may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding 6% per year, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics, as may be provided by resolution or trust indenture or mortgage issued pursuant thereto.

3. Price sold. Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the authority may determine or may be exchanged for other bonds on the basis of par, provided that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all

of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

4. Signatures of outgoing officers; negotiable. In case any of the officials of the authority whose signatures appear on any bonds or coupons issued under this subchapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this subchapter shall be fully negotiable.

5. Conclusively deemed issued for purpose recited. In any action or proceeding involving the validity or enforceability of any bond issued under this subchapter or the security therefor, any such bond reciting in substance that it has been issued by the authority in connection with an urban renewal project, as defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with this subchapter.

1963, c. 414, § 101.

6. No personal liability; not debt of State or municipality. Neither the trustees of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the authority, and such bonds and obligations shall so state on their face, shall not be a debt of the municipality nor the State, and neither the municipality nor the State shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority acquired for the purposes of this subchapter.

1959, c. 359, § 1; 1963, c. 414, § 101.

§ 4811. Conveyance to Federal Government on default

In any contract for financial assistance with the Federal Government, the authority may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, to convey to the Federal Government possession of or title to the urban renewal project and land therein to which such contract relates which is owned by the authority, upon the occurrence of a

substantial default, as defined in such contract, with respect to the covenants or conditions to which the authority is subject. Such contracts may provide that in case of such conveyance, the Federal Government may complete, operate, manage, lease, convey or otherwise deal with the urban renewal project in accordance with the terms of such contract, provided that the contract requires that, as soon as practicable after the Federal Government is satisfied that all defaults with respect to the renewal project have been cured and that the urban renewal project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall reconvey to the authority the urban renewal project as then constituted.

1959, c. 359, § 1.

§ 4812. Bonds as legal investments

All public officers, municipal corporations, political subdivisions and public bodies, all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business; all insurance companies, insurance associations and other persons carrying on an insurance business; and all executors, administrators, curators, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by the authority pursuant to this subchapter, and such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty or of exercising reasonable care in selecting securities.

1959, c. 359, § 1.

§ 4813. Exemption from taxes and execution

All property, including funds of the authority, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the authority be a charge or lien upon its property. This section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of the

authority or the right of obligee to pursue any remedies for the enforcement of any pledge or lien given by the authority on its rents, fees, grant or revenue.

The property of the authority is declared to be public property used for essential public and governmental purposes and such property and the authority shall be exempt from all taxes of the municipality, the State or any political subdivision thereof, provided that with respect to any property in a renewal project, the tax exemption provided herein shall terminate when the authority sells, leases or otherwise disposes of such property to a redeveloper for redevelopment.

Nothing contained in this section shall be construed to prohibit the authority from making payments in lieu of taxes to the municipality, and such payments are hereby authorized.

1959, c. 359, § 1; 1963, c. 187, § 1.

§ 4814. Transfer, sale or lease of real property in urban renewal area

The authority, for the purpose of this subchapter, may sell or lease for such sums as may be agreed upon the whole or any part of a renewal area to the redeveloper, or, if the property is to be used for public purposes, to any appropriate public agency. The consideration paid for the sale or lease of the property shall be such as is determined by the authority, and the municipality may appropriate and authorize the expenditure of money to compensate for any portion of the difference between the acquisition cost of such property and such sale or lease price of such property at a lesser consideration to the redeveloper, but in no case shall such sale or lease price be lower than the use value of such property. A sale or lease price may be lower than the use value of such property if the sale or lease is to a public agency to be used for public purposes. Each contract for sale or lease to a redeveloper shall provide, among other things, that the property transferred shall be developed and used in accordance with the renewal plan or such plan as modified with the approval of the authority, that the building of the improvements shall be begun within a period of time which the authority fixes as reasonable and that all transfers of properties by the redeveloper shall be subject to the consent of the authority until construction or improvements are completed. Any contract for sale or lease shall be approved by the municipal officers before its final approval by the authority.

The authority may temporarily operate and maintain real property in a renewal project area pending the disposition of the

property for renewal, without regard to the preceding paragraph, for such uses and purposes as may be deemed desirable even though not in conformity with the renewal plan.

The authority may arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a renewal project, and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a renewal project, and to include in any contract let in connection with such a project provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

Within its area of operation, the authority may purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property, or any interest therein, together with any improvements thereon, necessary or incidental to a renewal project; to hold, improve, clear or prepare for urban renewal any such property; to sell, lease, exchange, transfer, assign, subdivide, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein; to enter into contracts with redevelopers of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the renewal plan and such other covenants, restrictions and conditions as the authority may deem necessary to prevent a recurrence of slum or blighted areas or to effectuate the purposes of this subchapter; to make any of the covenants, restrictions or conditions of the foregoing contracts or covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right in the authority to terminate such contracts and any interest in the property created pursuant thereto; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this subchapter.

The authority may invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement in property or securities in which saving banks may legally invest funds subject to their control; to redeem its bonds at the redemp-

tion price established therein or to purchase its bonds at less than redemption price, all bonds so redeemed or purchased to be cancelled.

Acting through one or more trustees or other persons designated by the authority, examinations and investigations may be conducted to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths and to issue commission for the examination of witnesses who are outside of the State or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures or eliminating slums or conditions of blight within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, safety, morals or welfare.

The authority may exercise all or any part or combination of powers granted.

1959, c. 359, § 1; 1963, c. 187, § 2.

§ 4815. Cooperation by public bodies

For the purpose of aiding and cooperating in the planning, undertaking or carrying out of an urban renewal project, the municipality or any other public body, upon such terms as it may determine, with or without consideration, may:

1. Property; use or disposal. Dedicate, sell, convey or lease any of its interests in any property, or grant easements, licenses or any rights or privileges therein to the authority;

2. Public works. Cause public buildings and public facilities, parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished or repaired in connection with a redevelopment project;

3. Streets and walks. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places which it is otherwise empowered to undertake;

4. Administrative or other services. Cause administrative and other services to be furnished to the authority of the character which the municipality or other public body is otherwise

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empowered to undertake or furnish for the same or other purposes;

5. Expenses. Incur the entire expense of any public improvement made by the municipality or other public body in exercising the powers granted in this section;

6. Aid and cooperate. Do any and all things necessary to aid and cooperate in the planning or carrying out of an urban renewal plan;

7. Funds. Lend, grant or contribute funds to the authority;

8. Bonds or other obligations. Employ any funds belonging to or within the control of the municipality or other public body, including funds derived from the sale or furnishing of property, service or facilities to the authority, in the purchase of the bonds or other obligations of the authority and, as the holder of such bonds or other obligations, exercise the rights connected therewith; and

9. Agreements. Enter into agreements, which may extend over any period, with the authority respecting action to be taken by the municipality or any such public body pursuant to any of the powers granted by this subchapter. If at any time title to, or possession of, any renewal project is held by any public body or governmental agency, other than the authority authorized by law to engage in the undertaking, carrying out administration of urban renewal projects, including any agency or instrumentality of the United States of America, such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

Any sale, conveyance, lease or agreement provided for in this section may be made by the municipality or other public body without appraisal, public notice, advertisement or public bidding.

1959, c. 359, § 1.

§ 4816. Encouragement of private enterprise

The authority, to the greatest extent it determines to be feasible in carrying out this subchapter, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. The authority shall give consideration to this objective in exercising its powers under this subchapter, including the formulation of a workable program, the ap-

proval of urban renewal plans, the exercise of its zoning powers, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

1959, c. 359, § 1.

§ 4817. Grant of funds by municipality

The municipality may grant funds to the authority for the purpose of aiding the authority in carrying out any of its powers and functions under this subchapter. To obtain funds for this purpose, the municipality may levy taxes and may issue and sell its bonds. Any bonds to be issued by the municipality pursuant to this section shall be issued in the manner and within the limitations, except as otherwise provided, prescribed by the laws of this State for the issuance and authorization of bonds by the municipality for a public purpose.

1959, c. 359, § 1.

§ 4818. Title of purchaser

Any instrument executed by the authority and purporting to convey any right, title or interest in any property under this subchapter shall be conclusive evidence of compliance with this subchapter insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

1959, c. 359, § 1.

§ 4819. Interest of public officials, trustees or employees

No public official or employee of a municipality, or board or commission thereof, and no trustee or employee of an authority which has been vested by a municipality with urban renewal project powers under this subchapter shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the municipal officers and such disclosure shall be entered upon their minutes. If any such official, trustee or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he knows

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is included or planned to be included in an urban renewal project, he shall immediately disclose this fact in writing to the municipal officers, and such disclosure shall be entered upon their minutes, and any such official, trustee or employee shall not participate in any action by the authority affecting such property. Any disclosure required to be made by this section to the municipal officers shall concurrently be made to the authority which has been vested with urban renewal project powers by the municipality pursuant to this subchapter. No trustee or other officer of the authority exercising powers pursuant to this subchapter shall hold any other public office under the municipality other than his office with respect to such authority. Any violation of this section shall constitute misconduct in office.

1959, c. 359, § 1.

SUBCHAPTER IV

FEDERAL AID FOR URBAN RENEWAL PROJECTS

Sec.

4901. Purpose.

4902. Definitions.

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§ 4901. Purpose

The purpose of this subchapter is to assist municipalities and their redevelopment authorities to obtain the additional federal capital grants for urban renewal projects which are available pursuant to Title I of the Housing Act of 1949, as amended, which establish, as local grants-in-aid for federally-assisted urban renewal projects being or to be undertaken by municipalities or their redevelopment authorities, the aggregate amount of expenditures made by an educational institution of higher learning directly or through a private redevelopment corporation, for land, buildings and structures located in areas adjacent to or in the immediate vicinity of federally-assisted urban renewal projects if such land, buildings or structures are to be redeveloped or rehabilitated by such institution for educational uses in accordance with a development plan approved under state or local law after public hearing and found acceptable by the Housing and Home Finance Administrator after considering the standards specified in section 110(b) of Title I of the Housing Act of 1949,

as amended; such additional federal capital grants being available in an amount equal to 2 or 3 times the aggregate amount of such expenditures.

1961, c. 203.

§ 4902. Definitions

For the purposes of this subchapter, the following terms shall have the meanings, respectively, ascribed to them below:

1. Development plan. "Development plan" shall mean a plan proposed by an educational institution of higher learning or a private redevelopment corporation for the redevelopment and renewal of a project area, and which plan shall conform to the general plan of the locality as a whole, and shall conform to the requirements of subchapter III with respect to the content of redevelopment or renewal plans.

2. Educational institution of higher learning. "Educational institution of higher learning" shall mean educational institution, no part of the net earnings of which shall inure to the benefit of any private shareholder or individual, which provides an educational program for which it awards a baccalaureate or more advanced degree, or provides for not less than a 2-year program which is acceptable for full credit towards such a degree, and is accredited by a national accrediting agency or association or, if not so accredited, an educational institution whose credits are accepted, on transfer, by not less than 3 such accredited educational institutions for credit on the same basis as if transferred from an educational institution so accredited.

3. Municipality. "Municipality" shall mean any municipality which pursuant to subchapter III is authorized, directly or through its urban renewal authority, to undertake and carry out redevelopment or renewal projects.

4. Private redevelopment corporation. "Private redevelopment corporation" shall mean any corporation which is wholly owned or controlled by one or more educational institutions of higher learning or a corporation which operates in behalf of an educational institution on a nonprofit basis.

5. Project area. "Project area" shall mean a slum area or a blighted, deteriorated or deteriorating area.

1961, c. 203.

§ 4903. Preparation and approval of development plans

The governing body of any municipality is authorized to approve, after a public hearing thereon, a development plan proposed by any educational institution of higher learning located in such municipality, or by a private redevelopment corporation, for the redevelopment and renewal of an area, hereinafter in this subchapter referred to as a "project area" adjacent to or in the immediate vicinity of the location of principal buildings of such institution, or a major branch of such institution, where teaching or research is done or where students or faculty live, and the area of an urban renewal project, assisted under Title I of the Housing Act of 1949, as amended, which is being undertaken by such municipality or its redevelopment authority. Any state educational institution of higher learning or private redevelopment corporation is authorized to prepare such development plans. Any city may authorize any educational institution of higher learning established and maintained by such city to prepare such development plans.

1961, c. 203.

§ 4904. Public hearing

Prior to approving any development plan pursuant to section 4903, the governing body of the municipality or its redevelopment authority shall hold a public hearing on such development plan, such public hearing to be held not less than 7 nor more than 14 days after notice of the time, place and purpose thereof shall have been published in a newspaper having general circulation in such municipality.

1961, c. 203.

§ 4905. Cooperation in carrying out approved development plan

If the governing body of a municipality approves a development plan for a project area, such municipality and its redevelopment authority may cooperate with the educational institution of higher learning or private redevelopment corporation in carrying out such approved development plan, and, for such purpose, may contract with such educational institution or private redevelopment corporation for the exercise of any of the powers of such municipality and its redevelopment authority. Any municipality or its redevelopment authority, and any state educational institution of higher learning, and, when so authorized by

such city, any educational institution of higher learning established and maintained by any city, may do all things, and may take such actions, as may be necessary or desirable to assure that it obtains credit as a local grant-in-aid for the aggregate amount of expenditures made by any such educational institution or redevelopment corporation which would be eligible as such under Title I of the Housing Act of 1949, as amended.

1961, c. 203.

SUBCHAPTER V

PLANNING AND ZONING

Sec.

- 4951. Authority to act.
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§ 4951. Authority to act

A municipality may act for the purpose of municipal development according to this subchapter.

1957, c. 405, § 1.

§ 4952. Planning board

1. Establishment. A municipality may establish a planning board.

A. Appointments to the board shall be made by the municipal officers.

B. The board shall consist of 5 members and 2 associate members.

C. The term of office of a member is 5 years, but initial appointments shall be made for 1, 2, 3, 4 and 5 years, respectively. The term of office of an associate member is 5 years.

D. A municipal officer may not be a member or associate member of the board.

E. When a member is unable to act because of interest, physical incapacity, absence from the State or any other

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reason satisfactory to the chairman, the chairman of the planning board shall designate an associate member to act in his stead. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term.

F. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.

G. The board shall elect a chairman and secretary from its own membership.

H. A copy of each subdivision plot approved under this subchapter shall be filed with the municipal clerk.

1961, c. 395, § 32; 1963, c. 123.

2. Plans. The board shall prepare, adopt and may amend a comprehensive plan containing its recommendations for the development of the municipality.

A. Among other things, the plan may include the proposed general character, location, use, construction, layout, extent, size, open spaces and population density of all real estate, and the proposed method for rehabilitating blighted districts and eliminating slum areas.

B. The board shall hold a public hearing on its tentative proposals, before it adopts the plan or an amendment of it.

C. Once adopted by the board, the plan becomes a public record. It shall be filed in the office of the clerk.

D. After the board has adopted the plan, an ordinance or official map authorized by this subchapter may not be enacted, adopted or amended, and public property may not be established or modified in location or extent, until the board has made a careful investigation and reported its pertinent recommendations which are consistent with the plan. The board shall make its official report at the next meeting of the legislative body which is held not less than 30 days after the proposal has been submitted to the board. The failure of the board to issue its report constitutes approval of the proposal. A proposal which has been disapproved by the board may be enacted only by a $\frac{2}{3}$ vote of the legislative body.

3. Appropriations. A municipality which has a planning board may raise or appropriate money and may contract with

the State and Federal Governments for the purpose of the comprehensive planning authorized by this subchapter.

4. Personnel and services. The board may hire personnel and obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

1957, c. 405, § 1; 1961, c. 395, § 32; 1963, c. 123.

§ 4953. Zoning ordinance

1. Scope. A municipality which has a planning board may enact a zoning ordinance dividing it into zones consistent with the proper development of the municipality. The zoning ordinance may regulate the following:

- A.** Location and use of real estate for industrial, commercial, residential and other purposes;
- B.** Construction, height, number of stories, area and bulk of all structures;
- C.** Size and open spaces of real estate;
- D.** Population density;
- E.** Setback of structures along ways of public property.

2. Part of plan. A zoning ordinance shall be drafted as an integral part of a comprehensive plan for municipal development, and promotion of the health, safety and general welfare of the residents of the municipality.

A. Among other things, it shall be designed to encourage the most appropriate use of land throughout the municipality; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in insanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services.

3. Public hearing. A zoning ordinance or amendment may be enacted only after a public hearing has been held by the planning board for its consideration at least 10 days before it is submitted to the legislative body.

1963, c. 193.

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4. Map. The planning board shall prepare a zoning map outlining each zone established or modified by the municipality. The map shall be filed in the office of the clerk.

5. Application. A zoning ordinance does not apply to structures and uses existing at the time it is enacted, but applies to new structures and uses, and changes in structures and uses made afterward.

A. The changes in structure and use to which a zoning ordinance applies may be defined in the ordinance.

6. Exemptions. Real estate used or to be used by a public service corporation may be wholly or partially exempted from an ordinance authorized by this subchapter, when on petition, notice and public hearing, the Public Utilities Commission judges the exemption to be reasonably necessary for public welfare or convenience.

7. Governments. County and municipal governments shall abide by a zoning ordinance enacted by a municipality. A zoning ordinance is advisory with respect to the State Government.

8. Nonconforming. Any real estate or personal property existing in violation of an ordinance authorized by this subchapter is a nuisance.

9. Building inspector. The building inspector is the authority for the issue of a building or use permit, unless otherwise provided by the municipality.

A. An application for a building or use permit shall be in writing and shall be signed by the applicant and directed to the building inspector. The failure of the building inspector to issue a written notice of his decision, directed to the applicant, within 30 days from the date of filing of the application constitutes a refusal of the permit.

B. The building inspector shall be given free access at reasonable hours to all parts of structures regulated by a zoning ordinance.

1957, c. 405, § 1; 1963, c. 193.

§ 4954. Zoning board of appeals

1. Organization. The municipal officers of a municipality which enacts a zoning ordinance shall appoint a board of appeals.

A. The board shall consist of 3 members and one associate member.

B. The term of office of a member is 3 years, but initial appointments shall be made for 1, 2 and 3 years, respectively. The term of office of an associate member is 3 years.

C. A municipal officer may not be a member or associate member of a board of appeals.

D. When a member is unable to act because of interest, physical incapacity or absence from the State, the associate member shall act in his stead. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term.

E. The board shall elect a chairman and secretary from its own membership.

F. Municipalities of 5,000 or more residents may by ordinance provide for a board of appeals consisting of 5 or 7 members and one associate member. The terms of office of members shall not exceed 5 years and initial appointments shall be such that the terms of office of no more than 2 members shall expire in any single year.

1957, c. 432; 1959, c. 363, § 44; c. 378, § 63.

2. Appeal. An appeal may be taken from any decision of the building inspector to the board of appeals, and from the board of appeals to the Superior Court.

A. On an appeal in writing to the board of appeals, it shall affirm, modify or set aside the decision appealed from according to the terms of the pertinent ordinance. The board may grant a variance from the terms of an ordinance where necessary to avoid undue hardship, provided there is no substantial departure from the intent of the ordinance. It may permit an exception to an ordinance only when the terms of the exception have been specifically set forth by the municipality. The failure of the board to issue a written notice of its decision, directed to the appellant, within 30 days from the date of filing of the appeal constitutes a denial of the appeal.

B. The appeal to the Superior Court shall be taken within 30 days after the decision. Notice of the appeal shall be ordered by the court, and the appeal shall be tried and determined by the court without a jury in the manner and with the rights provided by law in other civil actions so heard. Costs may be awarded to the prevailing party by

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the court as justice requires. (1957, c. 429, § 79-A; 1959, c. 317, § 53; 1961, c. 317, § 245.)

1957, c. 405, § 1; c. 429, § 79-A; c. 432; 1959, c. 317, § 53; c. 363, § 44; c. 378, § 63; 1961, c. 317, § 245.

§ 4955. Official map

1. Public ways and property. A municipality may adopt and amend an official map showing the location of public ways and other public property, ways used in common by more than 2 owners of abutting property and approved subdivisions. The map may include all or part of the municipality and the following provisions apply only to that area outlined on the adopted map.

A. When the official map has been adopted or amended, the clerk shall certify that fact to the proper register of deeds who shall record it. The map shall be filed in the office of the clerk.

B. The lines of ways, public property and subdivisions established or modified after adoption of the official map shall be added to the map and become part of it. The municipal officers shall prepare the map and keep it current.

C. After the planning board has adopted a comprehensive plan, the municipality may require that the lines of planned new or modified ways and public property be placed on the official map.

D. The placing of a line on the official map does not constitute the establishment or modification of any way or public property, nor the taking or acceptance of land for any purpose.

E. A permit for the erection of any structure to be located within the boundaries of an existing or proposed way or public property shown on the official map may not be issued, except as provided by Title 35, sections 2341 and 2347. A permit for the erection of any structure or the use of land which requires access from a way may not be issued, unless a way which provides the required access appears on the map or has been approved for the purpose by the municipal officers. A public water supply, sewer or other public utility, pavement or other improvement may not be constructed along a way not shown on the map.

1957, c. 405, § 1.

§ 4956. Land subdivisions

1. Regulation. A municipality may regulate the subdivision of land.

A. Subdivision means the division into 3 or more lots in urban areas or 4 or more lots in rural areas, except this provision shall not apply to any divisions for agricultural uses, including associated sales, service, processing and storage.

(1) Urban areas shall mean areas so designated in the local zoning ordinance, or if there is no local zoning ordinance, the areas designated as urban compact by the State Highway Commission.

B. A register of deeds shall not record any plat of a proposed subdivision until it has been approved by the planning board and the approval noted on the plat. In a municipality which does not have a planning board, the municipal officers shall act in its stead for the purposes of this section.

C. Approval of a subdivision is based on its compliance with municipal ordinances and its general reasonableness.

D. In a municipality which has an engineer, he shall make a report to the planning board with respect to the grades, drainage, sewerage and road surfacing of a proposed subdivision, before it may be approved.

E. The failure of the planning board to issue a written notice of its decision, directed to the applicant, within 30 days after a proposed subdivision has been submitted constitutes its disapproval. An appeal may be taken from the decision of the planning board to the Superior Court as provided in section 4954, subsection 2, paragraph B.

F. The recording of a plat without the approval required by this section is void.

G. A person who conveys or agrees to convey any land by reference to a plat which has not been approved as required by this section, and recorded by the proper register of deeds, may be enjoined by any municipality from the conveyance or agreement to convey.

H. A copy of each subdivision plot approved under this subchapter shall be filed with the municipal clerk.

1957, c. 405, § 1; 1961, c. 206; 1963, c. 31; c. 123.

§ 4957. Savings provision

In a municipality which does not have a planning board, an ordinance enacted under repealed sections 137 to 144 of chapter 5 of the Revised Statutes of 1930 as amended, and repealed sections 93 to 97 of chapter 91 of the Revised Statutes of 1954, remains effective, and may be amended in accordance with those sections until it is repealed or superseded by an ordinance authorized by this subchapter. In a municipality which has a planning board, an ordinance enacted under the repealed sections which is consistent with this subchapter remains effective and an ordinance which is inconsistent with this subchapter is void.

R.S.1954, c. 91, § 99; 1957, c. 405, § 1.