

shall affect only the section or clause so declared to be unconstitutional, and shall not affect any other section or clause of this act.

Act relative to filing of certain financial statements repealed. This act effective June 1, 1921.

SEC. 20. Chapter 557 of the public laws, passed at the January session, A. D. 1910, and all other acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect June 1st, 1921.

### CHAPTER 2069.

AN ACT AUTHORIZING CITIES TO ENACT ZONING ORDINANCES.

H 841.  
Approved  
April 22, 1921.

*It is enacted by the General Assembly as follows:*

PL 2315

City councils, etc., authorized to enact certain zoning ordinances.

SECTION 1. The city council of any city and the representative council of the city of Newport shall have power in accordance with the provisions of this act within the limits of such city by ordinance:

To regulate height and bulk of buildings, etc.; areas of yards, etc.

(a) To regulate and limit the height and bulk of buildings hereafter erected and to regulate and determine the proper areas for yards, courts and other open spaces, and for such purposes to divide such city or any part or parts thereof into districts. Such regulations shall be uniform for each class of buildings throughout any such district, but the regulations in one or more such districts may differ from those in other such districts. Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public health and general welfare, including so far as conditions may permit, provision for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end

that such regulations may promote public health, safety and general welfare and the most desirable use for which land of each such district may be adapted, and may tend to conserve and protect the value of real estate throughout the city;

(b) To regulate and restrict the location of businesses, trades and industries and the location of buildings and structures designed for specified uses, and for such purposes to divide such city or any part or parts thereof into districts of such number, shape and area as such city council or representative council may deem best suited to carry out such purposes, and to designate the businesses, trades, and industries that shall be permitted in, or excluded from, each such district, or subjected to special regulations, and to designate the uses for which buildings and structures in any such district may or may not be erected or altered. Such regulations shall be designed to promote the public health, safety and general welfare and shall be made with reasonable consideration to the character of the district, its peculiar suitability for particular uses, the conservation of property values, and the direction of building development to the best advantage of the whole of such city;

Regulate and restrict location of businesses, trades, etc.

(c) To enact a classification of, and definition of, the districts referred to in paragraph (b) of this section within such city, and to provide a method of procedure for application by interested persons to such city council or representative council for the creation of a specified district under the provisions of such ordinance, but nothing herein or therein shall be construed to prevent action by such city council or representative council under the provisions of this act without such application of interested persons.

To enact a classification and definition of certain districts.

Public hearings to be held before enacting, amending or repealing such ordinances.

Notice of hearing, how given.

Ordinance, how to be amended or repealed in case of certain written protest.

SEC. 2. No such ordinance shall be enacted, amended or repealed until after a public hearing has been held upon the question of the enactment, amendment or repeal of such ordinance, before the city council or representative council of such city, as the case may be, or a committee or commission authorized by such city council or representative council to investigate and make recommendations concerning such proposed ordinance, who shall first give notice of such public hearing specifying the time and place of such hearing by publication of such notice in a newspaper of general circulation within such city at least three times each week for three successive weeks prior to the date of such hearing, at which hearing opportunity shall be given all persons interested to be heard upon the matter of the proposed ordinance. The city council or the representative council of such city, as the case may be, shall have power, after a public hearing as herein provided, from time to time to amend or repeal any such ordinance and thereby change said regulations or districts: *Provided*, that, if there shall be filed in the office of the city clerk of such city on or before the day of such hearing or within three days thereafter a written protest against such proposed amendment or repeal signed and acknowledged by the owners of twenty per centum or more of the street frontage of the property proposed to be affected, or by the owners of twenty per centum or more of the street frontage directly opposite the property proposed to be affected, or by the owners of the property abutting on twenty per centum or more of the boundary line between the property proposed to be affected and the property immediately in the rear thereof when there is no street between said properties, no such amendment or repeal shall be passed except by a three-fifths vote of such

city council or representative council and the approval of the mayor of such city, or if disapproved by such mayor, by a like vote as may be required by law to enact an ordinance in the case of disapproval by the mayor of such city. The word "owner" as used in this section shall not be construed to include attaching creditors or lien holders other than mortgagees.

SEC. 3. The city council or the representative council of such city, as the case may be, shall have power to provide a penalty for the violation of any ordinance enacted under the authority of this act by fine not exceeding one hundred dollars for each offense and to provide that each day of the existence of any such violation shall be deemed a separate offense, such fine to inure to such city, and may also cause suit to be brought in the supreme or superior court in the name of such city to restrain the violation of, or to compel compliance with, the provisions of any such ordinance.

May provide penalties for violation of ordinances.

SEC. 4. The supreme court and the superior court, within their respective jurisdictions, or any justice of either of said courts in vacation, shall, upon due proceedings in the name of such city instituted by its city solicitor, have power to issue any extraordinary writs or to proceed according to the course of equity or both:

Courts may issue extraordinary writs, when and for what.

To restrain the erection, alteration or use of any building, structure or other thing erected, altered or used in violation of the provisions of any ordinance enacted under the authority of this act, and to order its removal or abatement as a nuisance;

To restrain erection, alteration, etc., of certain buildings.

To compel compliance with the provisions of any ordinance enacted under the authority of this act;

To compel compliance with provisions of ordinances.

To order the removal by the owner of any building, structure or other thing existing in violation of any

To order removal of certain buildings, etc.

ordinance enacted under the provisions of this act and to authorize some official of such city in default of such removal by the owner to remove it at the expense of such owner.

Certain ex-  
penditures by  
authority of  
city official,  
how recovered.

When, under the provisions of any judgment, order or decree, in any such proceeding, any work is done or materials furnished by an official of such city or by the order of such official, at the expense of the owner, in removing a building, structure or other thing unlawfully existing, the value of such work and material may be recovered in an action of the case, brought in said superior court against such owner, and if any such work or materials shall have been done or furnished by or at the cost of such city, such official shall cause the same to be brought in the name of such city.

Upon the entry of any case or proceeding brought under the provisions of this act, the court shall at the request of either party advance the case, so that it may be heard and determined with as little delay as possible.

Certain build-  
ings or  
improvements  
not affected  
by ordinances  
hereafter  
enacted.

SEC. 5. No ordinance enacted under the authority of this act shall prevent or be construed to prevent the continuance of the use of any building or improvement for any purpose to which such building or improvement is lawfully devoted at the time of the enactment of such ordinance.

Certain vested  
right or  
incumbrance  
not to be  
created.

SEC. 6. Nothing in this act or any ordinance enacted under the authority of this act shall create or be construed to create any vested rights in any person, firm or corporation, or to be or create any incumbrance upon the title of any person, firm or corporation in any property affected by any such ordinance.

SEC. 7. The provisions of this act or of any ordinance enacted under the authority of this act shall not be deemed to abolish any existing remedies relating to nuisances; or to repeal any existing provisions of statutory law or ordinances relating to the erection, alteration or construction of buildings or other structures, or restricting the use thereof, or regulating businesses, trades or industries, or relating to nuisances: *Provided*, that the enactment, amendment or repeal of any ordinance under the authority of this act shall not be construed to be in any manner an exercise of any authority given by the provisions of chapter 107 of the general laws, entitled "Of nuisances," or of any act in amendment thereof or in addition thereto, and *provided further*, that after the passage of this act the exercise by the city council of any city the representative council of the city of Newport of any authority given by the provisions of said chapter 107 of the general laws or of any act in amendment thereof or in addition thereto shall not create any vested rights in any person, firm or corporation or render said city liable in any manner to any person, firm or corporation.

Certain existing remedies not abolished.

SEC. 8. This act shall take effect upon its passage.

*See 9-PL 2015*

*See PL 2019*

CHAPTER 2070.

AN ACT IN AMENDMENT OF SECTIONS 13, 14, 15 AND 16 OF CHAPTER 173 OF THE GENERAL LAWS, ENTITLED "OF MILK."

H 655 A  
Approved  
April 22, 1921.

*It is enacted by the General Assembly as follows:*

SECTION 1. Section 13 of chapter 173 of the general laws, entitled "Of milk," is hereby amended so as to read as follows: