

AN ORDINANCE AMENDING SECTIONS 305-3(B), 305-4 AND ADDING SECTION 305-7 OF THE TOWN OF SMITHFIELD MUNICIPAL CODE ENTITLED "STONE WALL PROTECTION AND PRESERVATION"

IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:

Section 1. Sections 305-3(B), 305-4 and 305-7 of the Smithfield Municipal Code are hereby amended to read as follows:

305—3(B): The alteration, relocation, or demolition of an historic stone wall as part of any subdivision or land development project must also comply with section §305-7 and be approved by the Planning Board and by the Smithfield Historic Preservation Commission pursuant to the provisions of Chapter §46-8(H) of the Smithfield Municipal Code, except as provided below.

- (1) Penetrations of stonewalls for driveways, roads, or utilities shall be done in accordance with Section §305-3(D) herein and shall not require review by the Smithfield Historic Preservation Commission but shall require review by the Smithfield Historic Preservation Commission Chairman, or his designee, through the Technical Review process.

305-4 Violations and Penalties.

- (A) Any person violating any provision of this chapter shall be subject to a fine of \$500.00. Each day any violation of this chapter shall continue shall constitute a separate offense.
- (B) The Building Official shall provide written notice to any land owner found to be in violation of the provisions of this Chapter. The notice of violation shall detail the nature of the violation, fines to be levied and provide a timeframe for taking remedial action. No additional building permits for the subject property shall be issued until a plan for rebuilding the stone wall has been submitted and approved by the Smithfield Historic Preservation Commission.
- (C) In mitigation of any violation of this chapter, and in addition to any fines levied, the Building Official shall require a written remediation plan of repair or restoration of the stone wall illegally altered and the owner shall be required to execute the wall restoration plan. In all cases, any plan to repair or restore an affected stone wall must be approved by the Smithfield Historic Preservation Commission prior to the commencement of any work.

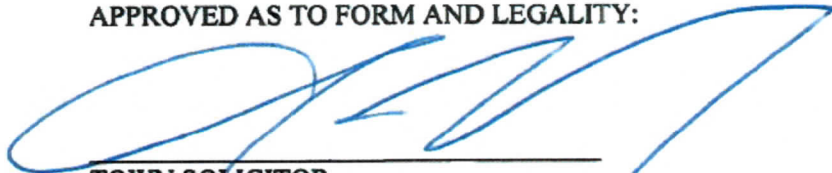
305-7 Affidavit Upon Submission of Building Permit Application.

All applicants submitting an application for a building permit for a new structure or building addition shall be provided a copy of this ordinance and execute an affidavit

acknowledging receipt of said ordinance and that they have read and understand the provisions contained herein.

Section 3. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

APPROVED AS TO FORM AND LEGALITY:



TOWN SOLICITOR

ADOPTED: 10/3/2023


TOWN COUNCIL PRESIDENT
TOWN CLERK