

SECTION 7.

ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

Sec. 7.1. Administration and enforcement.

A Zoning Inspector, hereinafter referred to as an Inspector, shall be designated to administer and enforce this ordinance. He may be provided with the assistance of such other persons as required. The Inspector shall have minimum qualifications as set forth by the Town Administrator and approved by the Town Council.

He is not a judicial officer and shall not exercise quasi-judicial authority granted solely to the Board. He shall not issue special use permit or variances. His discretion is bounded by the ordinance, and he has no authority to mitigate the severity of the application of the ordinance to individuals. Appeals lie from his decision only to the Board. No other person(s) or no Board(s) shall have authority to overrule his decisions excepting the Zoning Board, as provided in this ordinance, or order that he grant a specific permit or take a particular action while he is in office except indirectly through the amending of this ordinance. If the Inspector shall find that any of the provisions of this ordinance are being violated, he shall, prior to the close of the following Town workday, notify by certified or registered mail, the person responsible for such violations, indicate the nature of the violation and order the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance or law to ensure compliance with or to prevent violation of its provisions.

The Inspector shall, amongst others, be responsible for the following:

- (1) Issuing of any required permits or certificates;
- (2) Collection of required fees;
- (3) Keeping of records showing the compliance of uses of land;
- (4) Authorizing commencement of uses or development under the provisions of the Zoning Ordinance;
- (5) Inspection of suspected violations;
- (6) Issuance of violation notices with required correction action;
- (7) Collection of fines for violations;
- (8) Performing such other duties and taking such actions as may be assigned in the ordinance.

Sec. 7.2. Building permits required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit approved or issued by the Inspector. No building permit shall be approved or issued by the Inspector except in conformity with the provisions of this ordinance, unless he receives a written order from the Zoning Board of Review in the form of an administrative appeal special-use permit, or variance as provided by this ordinance.

Nothing in this ordinance shall be deemed to prevent the completion of any construction as defined in section 4.1 for which a valid building permit was previously issued.

Sec. 7.3. Application for building permit.

All applications (see Application, section 20, Definitions) for building permits shall be accompanied by duplicate plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building, wetlands, waterbodies or alteration. The application shall include all setbacks and such other information as lawfully may be required by the Inspector, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

One copy of the plans shall be returned to the applicant by the Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the Inspector as a Town record.

7.3.1. The applicant, upon presentation to the Inspector for the purpose of a building permit utilizing any combination of contiguous lots for the purpose of said building permit, shall provide to the Inspector a deed description in which said combination of lots is unified into one lot. Said deed description/deed shall be recorded in the land evidence records of the Town of North Smithfield.

Sec. 7.4. Certificates of zoning compliance for new, altered, or nonconforming uses.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Inspector stating that the proposed use of the building or land conforms to the requirements of this ordinance; and the Inspector shall state the facts upon which the certificate is issued.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the Inspector. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or structures shall have 15 months to apply for certificates of zoning compliance. Failure to make such application within 15 months shall be presumptive evidence that at the time of

enactment or amendment of the ordinance:

- (a) The use of the property and any structures thereon were in conformity with the provisions of the ordinance, including special uses approved by action of the Zoning Board of Review, or
- (b) The property is vacant, unused, or unoccupied and may or may not conform to the dimensional regulations of the district in which it is located.

No permit for erection, alteration, moving, repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of work.

The Inspector shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this ordinance and punishable under section 16 of this ordinance.

Sec. 7.5. Relation to other codes, regulations and ordinances.

The issuance of a building permit or a Certificate of Zoning Compliance shall, in no way, relieve the applicant of the responsibility of obtaining such permits or approvals as may be required under the provisions of other codes, regulations and ordinances relating to the use, erection, alteration or modification of a building or structure or to the use or subdivision of land.

Sec. 7.6. Expiration of building permit.

If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Inspector; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Inspector, provided, however, that the Inspector may upon application thereof and for cause shown, grant an extension. Said application should be filed prior to the expiration within the original two-year period of the permit and further provided that not more than one such extension for a period of one year be granted. In event of cancellation, written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

Sec. 7.7. Expiration of Certificate of Zoning Compliance.

A Certificate of Zoning Compliance shall be valid for the duration of the use which was the subject of the original application and issuance and shall expire upon termination of that use.

Sec. 7.8. Construction and use to be as provided in applications, plans, permits, and Certificates of Zoning Compliance.

Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction use, or construction differing from that authorized shall be deemed a violation of this ordinance, and punishable as provided by section 16 hereof.

Sec. 7.9 Use of Dumpsters.

Any person, corporation, partnership or any other entity requiring the use of a temporary dumpster shall, prior to placing a dumpster on public or private property for any period of time, obtain a dumpster permit from the Building and Zoning Department. Said permit shall specify the size of the dumpster, location and the name and phone number of the dumpster company and the length of time that said dumpster may be used on the said public/private property.

Clean out dumpster permits are valid for 30 days from date of issuance. New construction dumpsters are valid for 180 days from date of issuance. Each permit is renewable once. After a renewal permit has expired, a 90 day waiting period is required before another dumpster permit can be issued.

(1) *Minimum standards.* Any dumpster used in the town shall meet the following standards:

- a. The dumpster shall be painted so as to be reasonably resistant to rust and corrosion.
- b. The name and telephone number of the dumpster owner shall be clearly painted on at least two sides, except when opened for deposit or servicing.
- c. Dumpsters less than twenty (20) cubic yards in size shall be capable of being closed on all sides, except when open for deposit and servicing.
- d. Dumpsters greater than (20) cubic yards in size shall be capable of being secured so as to prevent the spillage or overflow of material from the container.
- e. Dumpsters shall be serviced only during the hours of 7:30 am and 6 pm on weekdays, 7:30 am and 4 pm on Saturdays, and prohibited on Sundays and legal holidays.
- f. Dumpster placement must meet accessory structure setbacks for the zoning district where the property is located.

(2) *Use.* All dumpsters used in the town shall be maintained and with a frequency sufficient to prevent spillage or overflow, to prevent the buildup of offensive odors, and to prevent a public hazard. The responsibility for the maintenance and servicing of dumpsters shall rest with the property owner. The maintenance of dumpsters shall include the cleanup and removal of all litter

thrown or left on the dumpster premises to prevent litter from drifting or blowing on to adjacent premises. Dumpsters shall only be used for construction and/or household debris. Decomposable matter shall not be disposed of in these dumpsters.

- (3) *Violations and penalties.* Any person, corporation, partnership or any other entity who shall violate any provision of this section, or any provisions of any rules or regulation adopted pursuant to authority granted by this section, will be assessed a fine of up to \$100 for the first offense, \$250 for the second offense, and \$500 for each additional offense payable by the permit holder to the North Smithfield Municipal Court. That upon determination by the building official or his/her designee, that the public health, safety and welfare would be better served, the building official may give notice of such violation and abate said condition according to statute or give notice of said violation and petition the municipal court for an order to abate any such violation.
- (4) *Enforcement.* The provisions of this section shall be enforced by the Zoning Official or his or her designee.
- (5) *Exemptions.* Land classified by the Town of North Smithfield Tax Assessor as Farmland or Forestland under The State of Rhode Island Farm, Forest and Open Space Act is exempt from Section 7.9 of the Code of Ordinances.

(Ord. of 11/16/2015)