

ARTICLE VIII VIOLATIONS AND PENALTIES

8-1 General

(A) Any person, firm, corporation or association who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or land development plan that has been approved by the Planning Board or the Administrative Officer shall be in violation of these regulations.

(B) The Administrative Officer may issue notices of plan non-compliances under this section. The Administrative Officer may also report any suspected violations to the Town Council for further action

(C) The Town of North Smithfield may also cause suit to be brought in the supreme or superior court, or any municipal court, including a municipal housing court having jurisdiction in the name of the municipality, to restrain the violation of, or to compel compliance with, the provisions of its local regulations. A municipality may consolidate an action for injunctive relief and/or fines under the local regulations in the superior court of the county in which the subject property is located.

8-2 Sale of Land in Unapproved Subdivision

(A) Whoever being the owner, or agent of the owner, of any land within a subdivision in the Town, transfers, sells, or negotiates to sell any land by reference to or exhibition of or by other use of a plat of such subdivision before such plat has been approved by the North Smithfield Planning Board and has been recorded in the office of the Town Clerk, shall be subject to a penalty in accordance with Section 8-4 *Penalties* for each lot so transferred, sold or negotiated for sale and the description of such lot by metes and bounds in the instrument of transfer of other documents used in the process of transferring or selling shall not exempt the transaction from such penalties or from the remedies herein provided. The Board may enjoin such transfer or sale or agreement by action for injunction brought in the Providence Superior Court or may recover such penalty by an action on the case in any court of competent jurisdiction or may pursue both of such remedies.

(B) Any sale of land subdivided in violation of the provisions of this chapter shall be voidable at the option of the purchaser thereof and shall subject the seller thereof to forfeiture of any and all consideration received or pledged therefore together with any damages sustained by such purchaser, who may maintain an action on the case to recover any amounts due him under the provisions of this section.

8-3 Issuance of Building Permits

A building permit may be issued only for construction on a lot or parcel of land which is shown on a recorded plat or deed. Any permit issued contrary to this section shall be null and void. No building permit may be issued for a dwelling unless the lot abuts an improved,

paved public way, or of which completion is guaranteed by bond. In addition to bonded guarantee, the Subdivision developer shall be subject to a fine for each day an occupied dwelling does not have safe passage from the lot to the public way.

8-4 Penalties

The penalty for each violation shall be reasonably relate to the seriousness of the offense and shall not exceed five hundred dollars (\$500) for each violation, and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall inure to the Town of North Smithfield.