

Chapter 4

BUILDINGS AND STRUCTURES*

* **Cross References:** Erosion and sediment control, Ch. 5 1/2; placing building materials on streets, § 14-1; zoning, App. A.
State Law References: Authority to regulate, G.S. 1956, § 23-27-1.

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ARTICLE I.

IN GENERAL

Sec. 4-1. Building inspector.

(a) The building inspector shall be appointed as provided in the charter, and shall receive such compensation as may be determined by the town council. Appointments to the office of building inspector shall be based on such qualifications for education and experience as set by the town council necessary for the proper performance of the office. The building inspector shall hold such office until a qualified successor is appointed.

(b) It shall be the duty of the building inspector to issue and revoke building permits and to enforce the provisions of this chapter. The building inspector shall examine all structures during the course of their erection, alteration, repair, moving or demolition to ensure compliance with the provisions of this chapter and shall record all violations which shall be reported to the town council and to the town solicitor.

(Ord. of 5-12-64, § 1)

Sec. 4-2. Board of appeal.

(a) The town council shall constitute the board of appeal from the inspector of buildings of the town. The board shall fix a reasonable time for the hearing of an appeal and shall publish notice of the hearing at least 21 days prior to the date of such hearing in a newspaper of general circulation in the town; shall give due notice to the applicant, abutting owners and other parties in interest; and shall hear and decide the appeal within a reasonable time. Any party may appear at the hearing in person, by agent or by attorney.

(b) Each application for appeal shall be accompanied by a filing fee in the amount of \$30.00 payable to the town and deposited in the office of the town clerk. Under the supervisor of the board, a stenographic record may be maintained for all hearings on appeals if desired by any party to the appeal and provisions for payment of such stenographer shall be made by the applicant.
(Ord. of 5-12-64, § 5)

Sec. 4-3. Adoption of building code.

There is hereby adopted by the town for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the BOCA Basic Building Code recommended by the Building Officials Conference of America, Inc., being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than five copies have been and now are filed in the office of the clerk of the town and the same is hereby adopted and incorporated as fully as if set out at length herein, except as otherwise provided in this Code of Ordinances, and from the date on which this section shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures within the corporate limits of the town.
(Ord. of 5-12-64, § 3; Ord. of 4-19-71, § 1)

Sec. 4-4. Code enforcement; violations.

(a) Any person having any duty to perform under the provisions of this chapter, may, so far as may be necessary for the performance of his duties, enter any building or premises in the town without being guilty of trespass.

(b) Any person violating any provision of the building code or this chapter shall be punished as prescribed in section 1-9 of this Code of Ordinances and within the limits prescribed in sections 23-27-4, 23-27-5, 23-28.4-4 and 23-28.4-5, General Laws 1956.

(c) The supreme court and the superior court for the county, or any justice of either of said courts in vacation, shall upon due proceeding in the name of the town instituted by its town council, have power to: Issue any extraordinary writs or proceed according to the course of equity, or both; restrain the further construction, alteration, repair, maintenance, use or occupation of a building, structure or other thing constructed or used in violation of the provisions of this chapter, and order its removal or abatement as a nuisance, restrain the further construction, alteration, repair, maintenance, use or occupation of any building, structure or other thing; compel compliance with the provisions of this chapter; order the removal by the owner of a building, structure or other thing unlawfully existing and authorize the building inspector, in default of such removal by the owner, to remove

it at the owner's expense.

(d) When under the provisions of this chapter any work is done or materials furnished by the building inspector, at the expense of the owner or of other interested persons, the value of such work and material may be recovered in the action on the case, brought in said superior court against such owner or other interested persons, and if any such work or materials shall have been done or furnished by or at the cost of the town, the building inspector shall cause the same to be brought in the name of the town.

(e) When under the provisions of this chapter the building inspector or any other person shall have any lien on any estates for any work done or materials furnished by the building inspector or by his order, the building inspector or such other person may cause due proceedings in equity to be brought in said superior court to enforce such lien, and to recover the value of such work and materials. If by order of the building inspector any such work or materials shall have been done or furnished by or at the cost of the town, the building inspector shall cause the same to be brought in the name of the town. No such action shall be abated by the appointment of any successor to the office of building inspector.

(Ord. of 5-12-64, § 7)

Sec. 4-5. Amending the building code.

The building code may be amended following a public hearing upon such amendment. Such amendment and notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the town at least once a week for three successive weeks before such public hearing.

(Ord. of 5-12-64, § 8)

Sec. 4-6. Building permit--Application; fees.

(a) Any person contemplating the erection, extension, alteration or repair, moving or demolition of a structure or contemplating the structural alteration, reroofing, electrical wiring or installation of plumbing in an existing structure shall make application for a permit on the prescribed forms in the office of the building inspector. Said application shall be submitted at least seven days prior to the start of construction and shall be accompanied by a fee according to the following schedule:

(1) For a permit for the construction, alteration, removal, demolition, equipment, electrical work, signs, fire escapes, swimming pools, and moving buildings, the fee shall be as follows:

Estimated Cost of Construction or Alteration		Permit
\$ 0.00 to	\$ 1,000.00....	\$25.00
1,001.00 to	2,000.00....	35.00
2,001.00 to	3,000.00....	45.00
3,001.00 to	4,000.00....	55.00
4,001.00 to	5,000.00....	65.00
5,001.00 to	6,000.00....	75.00
6,001.00 to	7,000.00....	85.00
7,001.00 to	8,000.00....	95.00
8,001.00 to	9,000.00....	105.00

9,001.00 to	10,000.00....	115.00
10,001.00 to	11,000.00....	125.00
11,001.00 to	12,000.00....	135.00
12,001.00 to	13,000.00....	145.00
13,001.00 to	14,000.00....	155.00
14,001.00 to	15,000.00....	165.00
15,001.00 to	16,000.00....	175.00
16,001.00 to	17,000.00....	185.00
17,001.00 to	18,000.00....	195.00
18,001.00 to	19,000.00....	205.00
19,001.00 to	20,000.00....	215.00
20,001.00 to	21,000.00....	225.00
21,001.00 to	22,000.00....	235.00
22,001.00 to	23,000.00....	245.00
23,001.00 to	24,000.00....	255.00
24,001.00 to	25,000.00....	265.00

Plus \$8.00 for each additional \$1,000.00 or fraction thereof over \$25,000.00 but not over \$50,000.00.

Over \$50,000.00 to \$100,000.00 465.00

Plus \$6.00 for each additional \$1,000.00 or fraction thereof over \$50,000.00 but not over \$100,000.00.

\$100,000.00 765.00

Plus \$4.00 for each additional \$1,000.00 or fraction thereof over \$100,000.00.

(2) Plumbing permits:

\$0.00 to \$1,000.00 25.00

Plus \$15.00 per \$1,000.00 or fraction thereof.

(3) Electrical permits:

\$0.00 to \$1,000.00 25.00

Plus \$15.00 per \$1,000.00 or fraction thereof.

(4) Mechanical permits:

\$0.00 to \$1,000.00 25.00

Plus \$15.00 per \$1,000.00 or fraction thereof.

(5) Certificate of use and occupancy 25.00

(6) Commercial:

Permit fees for gasoline stations: The fees for the erection of gasoline station buildings shall be the amount specified in the schedule of permit fees and in addition:

For each gas pump \$100.00

For each tank for petroleum products 50.00

(7) Late filing fees 50%
of permit

(8) Re-inspection fee \$50.00

(9) Zoning compliance \$25.00

(10) New construction per square foot \$0.35

Includes all new structures, additions, decks, detached garages, sheds and any other accessory structures. Excludes unfinished basements and attics.

(b) The term *estimated cost* as used in this section means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided, the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

(c) All such fees shall be collected by the building inspector and transferred to the office of the finance director.

(d) No building permit shall be issued for new construction, renovations or alterations involving the physical expansion, improvement or repair of an existing structure unless all past due taxes, assessment, fines or fees on the real estate thereon due to the town has been paid, which shall be evidenced by a certificate executed by the tax collector.

(e) Should any provision of this section be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this section, as a whole, it being the legislative intent that the provisions of this section shall be severable and remain valid notwithstanding such declaration.

(Ord. of 5-12-64, § 2; Ord. of 2-2-70; Ord. of 7-6-70; Ord. of 4-17-78; Ord. of 2-16-82; Ord. of 11-15-82; Ord. of 2-21-89, § 1; Ord. of 6-18-01)

Editors Note: The user should note that R. I. 1978 Building Code, Section 119.0, gives municipalities the power to compute fee schedules and reads as follows:

Section 119.0 Fee computation: The permit fees shall be computed according to the fee schedule and procedures adopted in each municipality.

Sec. 4-7. Same--Requirements; duration.

(a) No construction work other than preliminary grading shall be done without the issuance of a valid building permit. No building permit may become valid unless the location of such permitted construction is identified by a tax assessor's plat and lot number on the building permit.

(b) The building inspector may require any additional information, maps and plans that he deems necessary in issuing a permit. Any permit issued under this chapter shall be valid for a period of six months after issuance, unless construction is in progress and is prosecuted diligently to completion.

(c) Any act of construction not in conformity with this chapter and any false representation in any statement submitted in the application for a building permit shall be cause for the denial or revocation of a building permit. The denial or revocation of a building permit shall be made by the building inspector to the applicant in writing precisely stating the reasons for such action by certified mail to the address indicated in said application.

(Ord. of 5-12-64, § 2; Ord. of 2-2-70; Ord. of 7-6-70)

Sec. 4-8. Sections of the code specifically amended.

Section 507. Natural light and ventilation of rooms is amended to add: "Required exterior openings shall have minimum height and width dimensions of 18 inches."

Section 509.0. Basements and cellars is amended to add: "No room which has less than one-half of its height above the finished grade shall be occupied as a habitable room. The provisions of this section shall not be construed to prohibit play, recreation or similar rooms at a greater depth below grade.

Section 855.1. Wood-stud frame is amended to the following extent:

"For single- and multifamily dwellings:

- (A) Roof trusses shall not be less than 2" x 4" members 24" on center. Members must be of construction hemlock or fir. A minimum of 1/2", 4 or 5 ply plywood. Three ply will not be accepted.
- (B) If 1/2" plywood is used on 2' centers, 1/2" aluminum ply clips must be used on 5/8" plywood without clips on 2' centers. Three-quarters inch (3/4") boarding will not be allowed on 2' centers.
- (C) A free span of 12'7" using 2" x 8" construction firs 16" on center will be allowed on floor spans. Hemlock will be allowed on a free span of 12'7" only if joists are 12" on center or 2" x 10"

- (D) A free span of 15'10" using 2" x 10" construction fir 16" on center will be allowed on floor span; hemlock will be allowed on a free span of 15'10" only if joists are 12" on center 2" x 12", 16" on center.
- (E) Wood siding shall be of minimum one-half inch 4 or 5 ply plywood or three-quarters inch boarding."

Section 870.0. Foundation walls is amended to the following extent: "The thickness of foundation walls shall be not less than the thickness of the wall supported and the minimum thickness shall be limited for the various materials of construction as herein specified; except that 12-inch foundation walls shall be permitted under brick veneered frame and eight inch cavity walls when the total height of the wall including the gable is not more than 20 feet. Not more than two inch corbels shall be provided to furnish bearing for the full thickness of the wall supported. The top corbel course shall be a full header course, extending not higher than the bottom of the floor joists. No individual corbel shall project more than one-third the height of the individual unit."

Section 870.21. Reinforced concrete is amended to add: "When required by lateral water pressure, the reinforcement of 12-inch concrete basement walls supported laterally at the top and bottom shall consist of not less than one-half inch round verticals spaced 12 inches on centers and one-half inch round horizontals spaced 24 inches on centers. For all conditions of support, the reinforcement shall be determined by accepted engineering analysis."

(Ord. of 5-12-64, § 3; Ord. of 4-19-71, § 2)

Sec. 4-9. Special regulations.

(a) *Excavations:* Where an excavation lies within five feet of the line of a public right-of-way, it shall be enclosed within a barricade at least three feet in height and shall be suitably lighted during the hours between sunset and sunrise.

(b) *Public right-of-way:* No person shall store building materials, machinery or construction vehicles within a public right-of-way without the prior written approval of the building inspector and the highway surveyor. Where staging or other apparatus or material is to be stored or erected within a public right-of-way, suitable barriers and lighting shall be provided, together with an alternative pedestrian walkway.

(c) *Rubbish:* Within ten days after completion of a building or work upon a building or at such time as may be required by the building inspector, all rubbish and other discarded material shall be removed from the premises by the applicant or his agent. Failure to do so will subject the applicant to a charge of violation of this chapter.

(d) *Moving a building:* Any person wishing to move a building or structure to a new location must obtain a building permit. No electric wire, telephone wire, sign, tree or shrub shall be removed in connection with such moving without the written permission of the building inspector.

Any person moving a structure or building must file with the permit application a bond or other surety satisfactory to the town solicitor, and conditioned to comply with all legal requirements and restrictions relative to the moving of buildings; and to pay damages suffered by any person or persons by reason of any negligence of the licensee, his servants, or agents, in or about the moving of buildings in the town, and to indemnify and save the

town harmless from all loss and damage by reason of any such negligence in moving buildings through, over or on any public street or highway in the town, and any liability of the town therefor relative to maintaining its public highways in a condition safe and convenient for pedestrian and vehicular travel of any description. Said permit may be revoked at any time by the building inspector for any violation of this section or any of the conditions of said bond.

(e) *Plumbing and wiring:* All electrical wiring, plumbing, drainage fixtures and gas fixtures and piping shall conform to the requirements as specified in appropriate sections of the BOCA Basic Building Code. (Code 1948, Ch. X, §§ 1--3; Ord. of 5-12-64, § 6)

Sec. 4-10. Zoning and other regulations.

Any structure erected, repaired, altered, moved or demolished under the provisions of this chapter shall conform to all provisions of the zoning ordinance, as may be amended from time to time, and to other ordinances that may be adopted by the town.

(Ord. of 5-12-64, § 4)

Secs. 4-11--4-20. Reserved.

ARTICLE II.

UNIFORM NUMBERING SYSTEM FOR BUILDINGS AND LOTS*

* **Editors Note:** An ordinance of Aug. 22, 1988, purported to amend the Code by adding Ch. 16; however, for purposes of classification, the editor has redesignated said provisions as Art. II, §§ 4-21--4-28, herein.

Charter References: Planning board, Art. XII.

Cross References: Town planner, § 2-3.1; civil defense, Ch. 5; zoning, App. A; planned development, App. A, §§ 5.4.12 and 5.6.3.9.

Sec. 4-21. Established by authority.

Acting under the authority granted under Section 45-6-1 of the General Laws of Rhode Island, 1956, as amended, the town council hereby ordains this article establishing a uniform numbering system for residential, commercial and industrial buildings and lots in the town.

(Ord. of 8-22-88, § 16-1)

Sec. 4-22. Purpose.

The standards set forth in this article are made for the purpose of promoting the public health and safety by providing a means of locating residential and other structures by police, fire and other emergency services and for such other purposes requiring the location of residential and other structures as may be required.

(Ord. of 8-22-88, § 16-2)

Sec. 4-23. Administration.

This building and lot numbering system shall be administered by the town planner who shall assign

building numbers to all residential, commercial and industrial structures and lots in conformity with the plan developed pursuant to this article. The town planner shall also be responsible for developing and maintaining the following official records of this numbering system:

- (1) A town map for official use showing said numbering system.
- (2) A town-wide alphabetical list of primary property occupants by last name, showing the assigned numbers.
- (3) A town-wide alphabetical list of streets with property owners listed in order of their assigned numbers.

(Ord. of 8-22-88, § 16-3)

Sec. 4-24. Numbering system.

The following criteria shall govern the development of the numbering system for an assignment of numbers:

- (1) *Number interval.* Generally, every 500 feet of every street shall be assigned 20 number intervals, ten odd numbers and ten even numbers, at intervals of 50 feet on each side of the street.
Exceptions: The town planner shall have the authority to formulate a numbering system for existing streets where these provisions are not practicable.
- (2) *Odd and even numbers.* Odd numbers shall be on the right-hand side of all streets facing from the point of number origin to the point of number destination of each street.
- (3) *Number origins.* On through streets which terminate at another at both ends, numbers shall start at the northerly end of streets which run in a generally north-south direction and shall start at the easterly end of streets which run in a generally east-west direction. Streets running in other directions shall start numbers at whichever end is most northerly or easterly.

On dead-end streets or cul-de-sacs, numbers will start at the intersection of origin of the street and run toward the dead end or turnaround. Exceptions to either of the above shall be decided on a case-by-case basis.

- (4) *Number assignment.* The number assigned to each residence or other structure shall be the number which falls closest to the main entry or driveway providing access to the property as shown on the official map of street numbers.
- (5) *Common access.* Where several residences or other structures are served by a common driveway or a private right-of-way which is not on a street recognized by the town, the number at the entrance shall apply to all residences and structures served by the drive or way; and each separate residence or structure shall be identified by a suffix letter in counterclockwise rotation starting with the structure on the immediate right of the drive or accessway. Where possible, letters shall be assigned using the same interval in feet as used on recognized streets.

(Ord. of 8-22-88, § 16-4)

Sec. 4-25. Compliance of display.

All owners of record of residences or other structures shall display assigned numbers in the following manner:

- (1) *Number on the structure or residence.* Where the structure or residence is within 50 feet of the edge of the street right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or main entry-way.
- (2) *Number at the street line.* Where the residence or structure is over 50 feet from the edge of the street right-of-way, the assigned number shall be displayed on a fence, post, wall or the mailbox at the property line adjacent to the walk or access drive to the residence or structure.
- (3) *Size and color of number.* Numbers displayed shall be of such color and size at least four inches in height and shall be of a color which contrasts with the building surface upon which it is placed so as to be visible from the street.
- (4) *Interior location.* All residents and other occupants are requested to post the assigned number and street name adjacent to their telephone for emergency references.
- (5) *Penalty for noncompliance/enforcement.* Compliance under this section of this article shall be enforced by the building inspector, the fire chief or his designee. Any owner of record of a residence or other structure who fails to comply with the provisions of this section shall be subject to a penalty. The building inspector, the fire chief or his designee shall notify said owner by certified mail, return receipt, of the violation and the need and necessity to conform with this article. Any violations not corrected within 30 days shall be subject to continuing fines of \$10.00 per day until the violation has been corrected.

(Ord. of 8-22-88, § 16-5; Amend. of 3-21-94; Ord. of 9-15-03)

Sec. 4-26. New construction.

Whenever any residence or other structure is constructed or developed, the town building official shall obtain an assigned number or numbers from the town planner. This shall be done at the time of the issuance of a building permit. No certificate of occupancy shall be issued until the assigned number is posted on the residence or structure.

(Ord. of 8-22-88, § 16-6)

Sec. 4-27. New subdivisions.

Any prospective subdivider shall show a proposed lot-numbering system on the preapplication submission to the town planning board. Approval of the planning board shall constitute the assignment of numbers to the lots in the subdivision.

(Ord. of 8-22-88, § 16-7)

Sec. 4-28. Effective date; conditions.

This article shall take effect upon passage, and number and street assignments shall be initiated by the town planner upon completion of the official map of street numbers and names and the availability of such official map of street numbers and names in the office of the town clerk; provided, however, that nothing contained in this article shall be construed to be an acceptance of any street by the town as an official town street and is solely for the purpose of the emergency response system and public safety.
(Ord. of 8-22-88, § 16-8)