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CITY OF NEWPORT  
ORDINANCE  
OF THE  
COUNCIL  
NO. 2024-20

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.86 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Demolition of Structures**," is hereby further amended as follows:

*Chapter 17.86. DEMOLITION OF STRUCTURES.*

DELETE THE CHAPTER IN ITS ENTIRETY

~~17.86.010. Intent.~~

~~The City of Newport is committed to preserving the historically and culturally significant built environment and neighborhood architectural identities. The demolition of structures in an historic and culturally significant city may damage the physical fabric and architectural context of the community. Therefore, a demolition permit is required prior to the demolition of any principal structure beyond the established border of the local historic district.~~

~~17.86.020. Permit required.~~

~~Prior to the issuance of a demolition permit for any principal structure, the planning board Technical Review Committee must approve any demolition of a principal structure. However, nothing contained within this chapter shall limit the authority of the building official to order a structure demolished in a life- or health-threatening emergency situation, or as may be otherwise authorized by state statute or other city ordinance.~~

~~17.86.030. Historic district.~~

~~Demolition of structures in established local historic district requires a certificate of appropriateness from the historic district commission and is exempt from this chapter.~~

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~~17.86.040. Application.~~

~~Principal Structure. In order to obtain a demolition permit for the demolition of any principal structure, a permit application must be completed and accepted by the department of inspections Building Department and Department of Planning and Development. The completed demolition permit application must include the following information:~~

- ~~A. Demolition permit application and non-refundable fee;~~
- ~~B. Demolition staging plan;~~
- ~~C. Site plan identifying all existing structures and all trees of diameter eighteen (18) inches or greater;~~
- ~~D. Plans and elevations for the proposed reuse of the property;~~
- ~~E. Stormwater management plans and specifications made in conformance with the requirements of the city's stormwater management ordinance; and~~
- ~~F. Site restoration plans and specifications (only applicable if commencement of construction of a new structure is not planned within sixty (60) days after completed demolition.~~

~~17.86.050. Hazardous structures.~~

~~Structures, as deemed imminently hazardous by the building official, may be ordered demolished, repaired, or removed and remain the sole purview of the building official, as outlined within the City of Newport Codified Ordinances, Chapter 15.12, Housing Code.~~

~~17.86.060. Procedures for demolition permit approval.~~

- ~~A. Notification of the abutting property owners within a 200-foot radius of the subject property is required no less than fourteen (14) days prior to the hearing date of a demolition permit application for a principal structure.~~
- ~~B. Other Applications. The demolition permit application may be processed simultaneously as part of a subdivision, variance, or special use permit application.~~
- ~~C. Precedence of Approvals. When a demolition permit application includes other board approval, an applicant will first seek conditional approval for demolition from the planning board Technical Review Committee.~~

~~17.86.070. Review standards, required findings.~~

~~A. General Standards for Findings of Fact. The planning board Technical Review Committee will review all building demolition permit applications in accordance with this chapter and the ordinances of the city, together with the following standards:~~

- ~~1. The granting of a permit is not detrimental to the public health, safety, and general welfare of the community.~~
- ~~2. The proposed demolition of the structure is consistent with the goals and policies of the Comprehensive Land Use Plan.~~
- ~~3. The proposed demolition does not create land with constraints to development.~~
- ~~4. The proposed demolition does no harm to the character of the immediate neighborhood or area of the city.~~

~~Prior to the issuance of a demolition permit, a conference is recommended between the building official and the demolition contractor to review the requirements and conditions for demolition.~~

~~The planning board Technical Review Committee and building official may impose such conditions and restrictions upon the issuance of the demolition permit as may be necessary to achieve conformance to the requirement findings.~~

~~B. If a demolition permit application is approved by the planning board Technical Review Committee and building official, any demolition that takes place shall be done in accordance with the provisions of the building code in force at the time, the requirements of the codified ordinances, and any additional requirements or conditions of the planning board Technical Review Committee. The applicant shall also be required to submit to the city proof of disconnection of utilities prior to commencing demolition of the building.~~

~~C. Demolition permit applications are conditioned upon approval of any state-mandated requirements in place at the time of the completed applications.~~

~~D. Particulate Control. At all times, airborne particles shall be controlled at all demolition sites.~~

~~E. Safety Fencing. Fencing shall be installed around the entire perimeter of any excavated area greater than 24-inches below grade in depth.~~

- ~~F. Restoration. If construction of a new development has not commenced within sixty (60) days of demolition, the property must be restored to a safe condition.~~
- ~~G. Noise. Upon the issuance of a demolition permit by the building official, demolition activity shall only take place Monday through Friday, 8:00 a.m. to 5:00 p.m.~~
- ~~H. A brightly colored placard certifying approval from the building official shall be provided by the city and posted in a conspicuous location, on-site, by the permit holder or property owner.~~

~~17.86.080. Fees.~~

~~A non-refundable fee, in accordance with the City of Newport Codified Ordinances Chapter 2.120, General Fee Schedule, must be submitted with the building demolition permit application and is required for a building demolition permit. Permit fees, as required by other codes and ordinances of the city, may also be required.~~

~~17.86.090. Penalty for violation of chapter.~~

~~If any structure is demolished without complying with this chapter:~~

- ~~A. The owner of the subject property, demolition permit applicant, and any other person or entity participating in any demolition activities on the subject property, shall each be subject to a separate fine of not less than prescribed by law, a minimum five hundred dollars (\$500.00) per day for each separate violation thereof. A separate violation shall be deemed committed for each day during or on which a violation or noncompliance occurs; and~~
- ~~B. until the owner of the subject property pays any and all fines for violations of the provisions of this chapter, no building permits shall be issued for the construction of any improvements on the subject property and any active permits shall be suspended.~~

~~17.86.100. Severability.~~

~~If any section, provision, or portion of this chapter is adjudged unconstitutional or rendered invalid by a court, the remainder of the chapter shall remain valid.~~

~~17.86.110. Abrogation and greater restriction.~~

~~This chapter shall not in any way impair or remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this chapter imposes a greater restriction, the provisions of this chapter shall control.~~

SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

IN COUNCIL  
READ AND PASSED  
JULY 24, 2024



LAURA C. SWISTAK, CMC  
CITY CLERK