

**TOWN OF PORTSMOUTH, RI
STONE WALL
PRESERVATION AND PROTECTION ORDINANCE**

ORDINANCE # 2004-10-12 B

I. SHORT TITLE

This ordinance shall be known and may be cited as the Stone Wall Preservation Ordinance of the Town of Portsmouth. The short title is Portsmouth Stone Wall Ordinance.

II. PURPOSE

- A. It is the intent of this ordinance to protect one of the Town's important cultural resources, historic stone walls, saving one of the beautiful features of the Town for the people of tomorrow and preserving the rural character of the Town. It is not the intent of this ordinance to deprive a citizen use of their property, detract from that property's value or cause financial hardship.
- B. Provisions of this ordinance will apply to stone walls flanking or abutting Town and State roads and public ways within the Town and provide a working process to identify and provide for the protection and preservation of the Town's stone walls of historic, aesthetic and cultural merit.

III. DEFINITION.

For the purpose of this ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning.

HISTORIC STONE WALL – A vertical structure of aligned natural stone, originally constructed in the 17th, 18th, 19th and 20th centuries, to designate a property boundary between farmsteads or to segregate agricultural activities within a single farmstead.

IV. GENERAL PROVISIONS.

- A. Alteration or removal of stone walls flanking or abutting Town and State roads within the Town shall require prior approval of the Building Inspector.

- B. Alteration or demolition of a stone wall as part of any construction or subdivision project must have approval of the Planning Board. Such approval shall be a condition of any subdivision approval.
- C. Stone walls in disrepair or neglected condition shall not be removed from their present location but must be repaired or left as is.
- D. When relocation of a stone wall is necessary, any reconstruction shall match that of the original wall – for example, drywall or hidden cement construction.
- E. New stone walls should closely approximate the appearance of the adjoining stone walls with respect to coursing, native field stone, joint width, construction and distribution of stones by size. The Building Inspector shall be responsible for any such determination.
- F. If any cuts are made in stone walls for driveways or roads, the ends of the walls must be restored.
- G. Any variance of these standards shall be heard by the Zoning Board of Review based upon the standards of a Special Use Permit.

V. PENALTIES

- A. Any person violating the provisions of this ordinance shall be punished by a fine of not less than \$100.00 or more than \$500.00 for each offense.

VI. SEVERABILITY

If any one or more sections of this ordinance shall for any reason be adjudged unconstitutional or otherwise invalid, the judgment shall not effect, impair or invalidate the remaining provisions.

VII. RELATIONSHIP TO OTHER ORDINANCES

Nothing in this ordinance shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of the Zoning Ordinance.

This ordinance shall take effect upon passage.

APPROVED BY TOWN COUNCIL
ACTION ON OCTOBER 12, 2004.

Kathleen Viera Beaudoin, Town Clerk