

*Connecticut Trust for Historic Preservation  
Model Demolition Delay Ordinance – February 2017*

DISCLAIMER: THIS MODEL ORDINANCE IS DISTRIBUTED FOR GUIDANCE AND DISCUSSION ONLY AND DOES NOT REPRESENT LEGAL ADVICE. PLEASE CONSULT WITH MUNICIPAL LEGAL COUNSEL REGARDING CONNECTICUT ENABLING LEGISLATION, COMPLIANCE WITH EXISTING LOCAL ORDINANCES, AND ENFORCEMENT PROCEDURES.

*NOTE: This model ordinance outlines a two-stage review process, first to determine whether a particular building or structure is architecturally or historically significant, and then to determine whether the demolition delay should be imposed.*

*Properties that are listed on the State or National Register of Historic Places may also be subject to limitations against “unreasonable destruction” under the Connecticut Environmental Protection Act (C.G.S. 22a-14 through 22a-20).*

Code of the Town of \_\_\_\_\_, Connecticut  
Updated [date]

**Chapter [n]: BUILDINGS - DELAY OF DEMOLITION**

Sec. [n] – 1. **TITLE AND PURPOSE**

This chapter of the municipal code shall be known as **An Ordinance to Encourage the Preservation of Architecturally and Historically Significant Buildings by Delay of Demolition.**

This chapter is duly enacted by the Town in order to 1) preserve and protect significant buildings and structures within the town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town, and 2) to limit the detrimental effect on community character and heritage that may result from the demolition of such buildings and structures.

Connecticut General Statutes Section 29-406 authorizes municipalities to approve a waiting period before granting any permit for the demolition of any building, structure, or part thereof. Under this chapter, the Town shall impose a waiting period of not more than one hundred eighty (180) days before granting a permit for the demolition of any building or structure or part

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thereof that is designated as a Significant Building or Structure according to the definitions in Section 2 (below).

By this chapter, town residents are alerted to the anticipated demolition of significant buildings or structures and the owners of such buildings or structures are encouraged to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition. To achieve this purpose, the Historic Review Committee or other designated body is authorized to advise the local Building Official with respect to demolition permit applications.

Sec. [n] – 2. **INTENTION AND LIMITATIONS**

This chapter shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural features; nor shall it prevent the erection, alteration or removal of any such feature which the Building Official certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration.

This chapter shall not apply to applications for demolition due to a threat to public health or to emergency demolition orders issued by the Building Official due to a threat to public safety.

Sec. [n] – 3. **DEFINITIONS**

**APPLICANT** – Any person or entity who files an application with the Town for a demolition permit. If the applicant is not the owner of the premises upon which the building or structure is situated, the owner’s consent or endorsement of the proposed application must be provided on the permit application.

**APPLICATION** – A written request to the Town in an authorized format to issue a permit for the demolition of a building or structure.

**BUILDING** – Any combination of materials assembled by human intent to form a shelter for persons, animals or property.

**BUILDING OFFICIAL** – A person hired or appointed by the Town to serve as Building Commissioner, Building Inspector or otherwise duly authorized to issue demolition permits.

**COMMITTEE** – The Historic Review Committee or other designated body authorized to advise the Building Official on the issuance of demolition permits under this chapter.

**DELAY** – A period of up to 180 days imposed by the Town, beginning on the date of application for a demolition permit, during which the owner of a significant historic building or

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structure shall consider any viable alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation.

DEMOLITION – The intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial, or partial destruction with the intent of completing the same; also the act or process of delaying or withholding maintenance of a building or structure in such a way as to cause or allow significant damage to occur which may result in a public hazard or nuisance.

DEMOLITION PERMIT – The town permit issued by the Building Official authorizing the full or partial demolition of an existing building or structure, excepting for this chapter only any permit issued solely for the demolition or removal of interior features with no effect on the exterior appearance of the building or structure.

SIGNIFICANT BUILDING – Any building or structure within the municipal boundaries which, in whole or in part, is known or presumed to be at least fifty (50) years old and which has been determined by the Historic Review Committee or other designated authority to be significant to the community based on one or more of the following criteria:

- The building or structure is listed on the State or National Register of Historic Places, or is partially or completely within the boundaries of an area so listed; or
- The building or structure has been determined by the State Historic Preservation Office and/or the National Park Service to be eligible for listing on the State or National Register of Historic Places; or
- The building or structure has documented associations with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the town, the state or the nation; or
- The building or structure has documented historical or architectural importance in terms of period, style, method of construction, specific use, or association with a recognized builder or architect, either by itself or in the context of a group of buildings.

STRUCTURE – Any combination of materials assembled by human intent to shelter property or activities; or to mark and delineate boundaries or limits of use; or to facilitate transportation, communication, manufacturing or commerce; or to provide for the defense and protection of people or property.

Sec. [n] – 4. **PERMIT REQUIRED**

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No person, firm, corporation, or other entity shall demolish any building, structure, or part thereof without obtaining a permit from the Building Official.

The Building Official shall not issue a demolition permit for a building or structure that is, in part or in whole, at least fifty (50) years old except as provided in this chapter. If the age of the building or structure is unknown, not indicated, or in dispute, it shall be assumed to be at least fifty (50) years old for the purpose of this chapter.

In addition to complete demolition of a building or structure, the following actions shall require a demolition permit under this chapter:

- A. Removal of a roof for the purpose of: raising the overall height of a roof; rebuilding the roof to a different pitch; or adding another story to a building.
- B. Removal of one or more exterior wall(s) or partition(s) of a building.
- C. Gutting of a building's interior to the point where exterior features (windows, doors, etc.) are impacted.
- D. Removal of more than 25% of a structure's overall gross square footage as determined by the Department of Inspectional Services.
- E. The lifting and relocating of a building on its existing site or to another site.
- F. The delay or withholding of maintenance on a building or structure in such a way as to cause or allow a significant loss of architectural integrity or structural stability.

Sec. [n] – 5. **APPLICATION CONTENTS**

Any person wishing to obtain a permit to demolish a building or structure, in whole or in part, shall file an application verified under oath in the office of the Town Building Official on a form approved by the Town Building Official, which application shall include the following:

- A. The common name, if any, and actual street address of the building or structure to be demolished;
- B. The name, address and telephone number of the owner(s) of the building or structure to be demolished;
- C. The age of the building or structure to be demolished;
- D. The square footage or dimensions of the building or structure to be demolished;
- E. A brief description of the materials, configuration and use of the existing building or structure;
- F. One or more recent photographs of the building or structure showing at east two elevations;

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- G. The reason for requesting a demolition permit;
- H. A brief description of the proposed reuse, reconstruction or replacement for the existing building; and
- I. The names and addresses of the owners of all properties adjoining (and across the street from) the property on which the building or structure to be demolished is located, according to an attached copy of a pertinent portion of the current Assessor's map.

Sec. [n] – 6. **PROCEDURES**

The Building Official shall not issue any demolition permit for any building or structure in the town except under the provisions outlined in this chapter.

Upon adoption of this chapter, the Town through its executive authority (i.e., Mayor, First Selectman or equivalent) shall appoint a Historic Review Committee of no less than three and no more than five persons, initially serving terms of one, two and three years and thereafter to be appointed to staggered one-year terms. Nominations to the Historic Review Committee shall be solicited from or on behalf of the Town or City Historian (if one exists), the Historic District Commission (if one exists), the Historical Society serving the municipal area (if one exists) and other qualified agencies and associations.

For every building or structure for which an application for demolition permit application has been filed, the following process shall apply:

- Within five (5) days from application, the Building Official shall forward a copy of the application to the Historic Review Committee.
- Within ten (10) days from application, the Committee shall, make a written determination of the significance of the building or structure using the criteria stated in Section [n].4 (above).
- Within fifteen (15) days from application, the Committee shall provide the Building Official and the owner/applicant with a copy of the written determination listing the reason(s) that the building or structure is or is not historically and/or architecturally significant.
- If the building or structure is not determined to be significant, or if the Committee fails to notify the Building Official of their determination within the allotted time, the Building Official may proceed with issuance of the demolition permit.

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- Within twenty-five (25) days from application, the Committee shall hold a public hearing to solicit public comment on any building or structure that the Committee has determined to be significant. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the city hall or town hall for a period of not less than seven (7) days prior to the date of said hearing. The Committee shall also notify the Building Official and the owner/applicant in writing of the meeting time and place. Any interested party shall have the opportunity to speak at the public hearing, subject to normal limitations and procedures.
- Within thirty (30) days from application, the Committee shall decide by majority vote whether to invoke the demolition delay and shall notify the Building Official and the owner/applicant of their decision in writing. The Committee’s decision may not be postponed except by written agreement on the part of the owner/applicant.

Upon notification by the Committee that the building or structure is subject to the demolition delay, or if the Committee fails to notify the Building Official of its decision within the allotted time, the Building Official may proceed to issue a demolition permit.

Upon notification by the Committee that the building or structure is subject to the demolition delay, the Building Official shall delay the issuance of a demolition permit for no more than 180 days from the date of application unless otherwise agreed in writing by the Committee. During that period, the Building Official shall not issue any permits for new construction or alterations on the subject property.

Upon notification by the Historic Review Committee that a building or structure is subject to the demolition delay, and within forty (40) days from the date of application, the Building Official shall take the following actions:

- A. The Building Official shall publish in a local newspaper having substantial circulation in the Town a legal notice entitled a “Notice of Intent to Demolish” which shall include:
  1. Notice that an application has been filed for a demolition permit;
  2. The common name and actual street address of the building or structure to be demolished;
  3. The name and address of the owner(s) of the building or structure to be demolished;
  4. The age of the building or structure to be demolished; and

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5. Notice that the Historic Review Committee has determined that the building or structure is subject to a demolition delay for a specified period of time.
- B. The Building Official shall mail copies of the “Notice of Intent to Demolish” by Certified Mail with Return Receipt to the owners of all properties adjoining and across the street from the property on which the building or structure to be demolished is situated;
- C. The Building Official shall mail copies of the “Notice of Intent to Demolish” by Certified Mail with Return Receipt to the Town of \_\_\_\_\_ Historical Society, Town of \_\_\_\_\_ Historic District Commission, Town of \_\_\_\_\_ Municipal Historian, and to any person, organization, firm, corporation, or other entity who has requested, in writing, from the Town Building Official copies of any such notices filed pursuant to this ordinance. The Town Building Official shall maintain the list of those requesting to be so notified, and shall delete from the list those who do not annually renew in January, in writing, the request to be notified; and
- D. The Building Official shall oversee the posting of sign in a conspicuous location of the property on which the structure is situated. The sign shall be at least 24” by 36” in size visible from the nearest public street. Such sign shall include a copy of the “Notice of Intent to Demolish” and shall contain the word “DEMOLITION” in capital letters no less than three inches in height. If there is more than one structure or building proposed for demolition, one sign shall be posted in respect to each structure. All signs required hereunder shall remain posted on the property, if the permit is issued, until the completion of all demolition activities authorized by the permit.

Sec. [n] – 7. **DEMOLITION BY NEGLECT**

*Throughout the demolition delay period imposed under this ordinance, the owner of record shall be required to secure and maintain the building or structure in a manner that minimizes the risk of water penetration, vandalism, fire, or other significant damage.*

*Partial demolition including the removal of windows, doors, roofing, or any other building material is expressly prohibited during the demolition delay period.*

Sec. [n] – 8. **EMERGENCY DEMOLITION**

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If after a thorough inspection, the Building Official finds that a building or structure subject to this chapter poses an immediate threat to public health or safety due to its deteriorated condition and that there are no reasonable alternatives to the immediate demolition of the building or structure, then the Building Official may issue an emergency demolition permit to the owner of the building or structure. The Building Official shall then submit a written report to the Historic Review Committee detailing the condition of the building or structure and the basis for the Building Official's decision.

**Sec. [n] – 9. ISSUANCE OF PERMIT**

During the demolition delay period of up to 180 days from application, the owner of a significant historic property shall pursue and give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation, or detailed recordation of the affected building or structure. In order to avoid or mitigate the anticipated effects of demolition, the owner shall make a good faith effort to accommodate reasonable requests from any interested parties for information about or access to the building or structure for the purpose of evaluating alternatives to demolition.

No permit for demolition of a significant historic building or structure shall be issued by the Building Official until all plans for future use and development of the site have been filed with the Building Official and have been found to comply with all laws pertaining to the issuance of a building permit or if a parking lot, a certificate of occupancy for the site.

All approvals necessary for the issuance of such building permit or certificate of occupancy, including without limitation any necessary zoning variances or special permits, must have been granted and all appeals from the granting of such approvals must have been concluded prior to the issuance of a demolition permit for a significant historic building or structure under this chapter.

If no viable alternatives to demolition are identified and accepted before the expiration of the demolition delay period, the Building Official may proceed to act on the permit application.

**Sec. [n] – 10. PERIOD OF PERMIT VALIDITY**

Any permit issued pursuant to this chapter shall be valid for a period of six (6) months from the date of issuance. If the demolition contemplated by said permit has not commenced

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within said six-month period, then the owner of such building or structure shall be required to apply for a new permit and satisfy all notification requirements of this article should said owner wish to demolish said building or structure.

*Change of Ownership: Throughout the six-month period of validity, the demolition permit shall remain valid through one change of ownership. If the property is conveyed more than once before demolition is commenced, the permit shall be null and void and a new application shall be required.*

**Sec. [n] – 11. FEES AND COSTS FOR DEMOLITION PERMITS**

The fee for a demolition permit is based on the fair market value of the demolition work. The applicant for the demolition work shall pay a permit fee based on the following at the time the application is filed:

<b>Cost of Work</b>	<b>Permit Fee</b>
\$0 to \$1,000	\$ X
Each additional \$1,000	\$ X for each \$1,000 or fraction thereof

All costs relating to the publication of a legal notice, certified mailings, and the posting of the demolition sign, if applicable, shall be collected prior to issuance of a demolition permit.

No demolition permit, building permit or certificate of occupancy shall be issued for the subject premises until all required fees and costs have been paid.

**Sec. [n] – 12. VIOLATIONS AND PENALTIES**

The Historic Review Committee and the Building Official are each specifically authorized to institute any and all actions or proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.

During the application processing period and during the demolition delay period, if applicable, the owner of shall adequately maintain and protect the building or structure in order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect and may be subject to penalties.

In the case of full or partial demolition of any building or structure in the absence of or in advance of a valid demolition permit, the Building Official shall impose a two-year restriction

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on the property during which no earthwork, landscaping, construction or further demolition may take place on the subject property or on any adjoining parcels under common ownership and control without the review and approval of the Historic Review Committee. The restriction may only be lifted by written agreement of the Building Official and the Historic Review Committee.

Any persons failing to abide by the provisions of this chapter or Connecticut General Statutes Sections 29-401 through 29-415 shall be fined \$1,000 or imprisoned not more than six months, or both, per day, as each day constitutes a separate violation, pursuant to Connecticut General Statutes Section 29-254a. All fines imposed shall be collected and made payable to the Town of \_\_\_\_\_.

Sec. [n] – 13. **ADMINISTRATION**

The Historic Review Committee may adopt such rules and regulations as are necessary to administer the terms of this chapter.

The Committee shall have authority to adopt a schedule of reasonable fees to cover the costs of administration of this chapter.

By majority vote at a duly posted meeting, the Committee may delegate to one or more members of the Committee or to a qualified town employee, the authority to make initial determinations of significance under this chapter.

The Committee may on its own initiative and with information available to it, develop a list of significant buildings and structures that will be subject to this chapter. The initial adoption of the list and any subsequent additions to the list shall be enacted after public hearings on the subject.

Sec. [n] – 14. **SEVERABILITY**

In case any section, paragraph or part of this ordinance shall for any reason be declared invalid or unconstitutional by any court, every other section, paragraph and part shall remain in full force and effect.