



OFFICE
OF THE
TOWN COUNCIL

Town of South Windsor

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074-2786

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May 30, 2016

LEGAL AD

TOWN OF SOUTH WINDSOR

Notice is hereby given that the South Windsor Town Council has set Monday, June 6, 2016, at 8:00 p.m., in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on amendments to Ordinance #196 – Demolition Delay Ordinance, a copy of which is on file in the Office of the Town Clerk.

Dated at South Windsor, Connecticut this 27th day of May 2016.

Attested to by:

Deborah W. Reid
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Clerk of the Council

PUBLIC NOTICE

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Journal Inquirer
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DIVISION 2. - BUILDINGS—DELAY OF DEMOLITION

FOOTNOTE(S):

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Editor's note— Ord. No. 196, adopted Sept. 17, 2012, amended div. 2 in its entirety to read as herein set out. Former div. 2, §§ 54-71—54-83, pertained to similar subject matter, and derived from Ord. No. 190, adopted Jan. 10, 2011.

Sec. 54-71. - Title and purpose.

This ordinance is duly enacted by the town pursuant to C.G.S § 29-406(b) 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) Limit the detrimental effect on community character and heritage that may result from the demolition of such buildings and structures.

It is, therefore, the intent of this ordinance to promote the preservation of architecturally and historically significant buildings by delaying demolition.¹

(Ord. No. 196, 9-17-12)

Note— Summary: Under this ordinance, the public shall be notified of the anticipated demolition of buildings or structures that are known or presumed to be 75 years old or older, and shall be given an opportunity to file a request for delay of demolition ("request for delay") with the demolition delay committee. If a request for delay is filed, then the demolition delay committee shall hold a public hearing to determine whether the buildings or structures at issue are architecturally or historically significant based on the criteria set forth in section 54-72 (below). If the demolition delay committee finds that the buildings or structures are architecturally or historically significant, then the Building Official shall impose a waiting period of up to 180 days before granting a permit for the demolition of such buildings or structures. During that time, the owner(s) of such buildings or structures are encouraged to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition.

Sec. 54-72. - 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 demolition delay committee.

Delay. A period of up to 180 calendar days imposed by the town, beginning on the date of application for a demolition permit, during which the owner of a building or structure that has been found by the committee to be architecturally or historically significant shall be encouraged to 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 delay committee. The committee or other designated body authorized to hold public hearings to determine the architectural or historical significance of buildings or structures that are known or presumed to be 75 years old or older, for which an application for a demolition permit has been filed with the town.

Demolition permit. The town permit issued by the Building Official authorizing the full or partial demolition of an existing building or structure, excepting for purposes of this ordinance 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.

Request for delay. A written request by a town resident to delay the issuance of a demolition permit for a building or structure that is known or presumed to be at least 75 years old. Such request must be based on one or more of the criteria for a significant structure.

Significant structure. Any building or structure within the municipal boundaries which, in whole or in part, is known or presumed to be at least 75 years old and which has been determined by the demolition delay committee or other designated authority, following a public hearing, to be architecturally or historically significant to the community based on one or more of the following criteria:

- The building or structure is in South Windsor's local historic district(s) or has been designated as an historic property, and which comes under the review of the South Windsor Historic District Commission as provided by town ordinance; or
- 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 is included in the historic resources inventory which is jointly prepared by the Town of South Windsor Historic District Commission and the State of Connecticut; 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 which is affixed to the land and has been 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.

(Ord. No. 196, 9-17-12)

Sec. 54-73. - Demolition permit required.

- (a) No person, firm, corporation, or other entity shall demolish any building, structure, or part thereof without obtaining a permit from the Building Official.
- (b) The Building Official shall not issue a demolition permit for a building or structure that is, in part or in whole, at least 75 years old except as provided in this ordinance. If the age of the building or structure is unknown, not indicated, or in dispute, it shall be assumed to be at least 75 years old for the purpose of this ordinance.

(Ord. No. 196, 9-17-12)

Sec. 54-74. - Application contents.

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

- (1) The common name, if any, and actual street address of the building or structure to be demolished;
- (2) The name, address and telephone number of the owner(s) of the building or structure to be demolished;
- (3) The age of the building or structure to be demolished;
- (4) The square footage or dimensions of the building or structure to be demolished;
- (5) The reason for requesting a demolition permit;
- (6) A brief description of the proposed reuse, reconstruction or replacement for the existing building; and
- (7) The names and addresses of the owners, as listed with the assessor's office, of all properties abutting and those directly across the street from the property on which the building or structure to be demolished is located.

(Ord. No. 196, 9-17-12)

Sec. 54-75. - Demolition delay committee.

Upon adoption of this ordinance, the Town Council shall appoint a demolition delay committee of no less than seven persons, initially serving terms of two, three and four years and thereafter to be appointed to staggered two-year terms. The composition of the demolition delay committee shall be: two members of the historic district commission, one member of the historical society, one member from the planning and zoning commission and three other residents of the town, not already appointed to one of the foregoing commissions. In no event shall a member of the committee participate on an application made by said member or which concerns a building or structure for which such member or his immediate family has a personal or financial interest. The town council may appoint one or more alternates to serve one-year terms. A quorum shall be four committee members.

(Ord. No. 196, 9-17-12)

Sec. 54-76. - Procedures.

(new) Notice to applicant

- a) The Applicant shall oversee the posting and maintenance of a sign, provided to the Applicant by the Building Official, in a location visible from the public way where the structure is situated. The sign shall be at least 24 inches by 36 inches 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 and contact information for interested parties. 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 and shall be maintained on the property until such time as a demolition permit is issued or an alternative agreement to demolition is reached.

- b) Failure to post and maintain the DEMOLITION notice sign throughout the application process will result in a daily fine of \$10, to be added to fees outlined in Sec 54-79.
- c) The Applicant shall receive from the Building Official an itemized list of estimated administrative and legal fees pursuant to Sec. 54-81(b) of this ordinance. These fees will be paid by the Applicant to the Building Official prior to the issuance of the Demolition Permit under Sec. 4-79 of the Town Ordinances.

For every building or structure subject to this ordinance and for which an application for a demolition permit has been filed, the following procedures shall apply:

(1) *Notice to demolition delay committee.*

- a. Within five calendar days from application, the Building Official shall forward a copy of the application to the demolition delay committee.
- b. Within 20 calendar days from the date of application, the committee shall make a preliminary written determination of the significance of the building or structure using the criteria defining "significant structure" in section 54-72 (above) and within five business days thereafter, the committee shall provide the Building Official and the Applicant with a copy of its written determination listing the reason(s) therefore. The committee's decision may not be postponed except by written agreement with the Applicant.

(2) *Public notice.* The demolition delay committee shall be responsible for overseeing the provision of public notice in accordance with an application, including:

- a. Within ten calendar days of the date of application, publication 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 age of the building or structure to be demolished;
 - 4. Notice that any town resident may file with the Town's Building Official a request to delay the demolition of the building or structure at issue within ten days of the date of the notice; and
 - 5. The posting of a sign on the property that includes the foregoing information.
- b. Within ten days of the date of application, the Applicant shall mail copies of the "notice of intent to demolish" by certified mail with return receipt to the owners of all properties abutting and directly across any street from the property on which the building or structure to be demolished is situated;
- c. The Applicant shall forward a copy of the letter referenced in section 54-76(2)(b) along with a list of abutters receiving this letter to the demolition delay committee

(new) Within 10 calendar days of the date of application, the Applicant shall mail copies of the return receipts identified in Sec 54-76 (2) to the Building Official.

- d. The demolition delay committee shall mail copies of the "notice of intent to demolish" by certified mail with return receipt to the South Windsor Historical Society, South Windsor

Historic District Commission, South Windsor 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.

d.

(3) *When a public hearing is required.*

- a. A public hearing shall be held to determine whether demolition should be delayed if the demolition delay committee deems the building or structure to be a significant structure and/or if, within ten calendar days of public notice, any Town resident files with the Building Official a written request for delay of demolition.
- b. When a public hearing is required, the committee shall hold the hearing no more than 35 calendar days after the date of application to solicit public comment on any building or structure that the committee has determined to be a significant structure.
- c. Written notice of the time, place and purpose of the hearing shall be provided to the applicant and the Building Official and public notice shall be posted in a conspicuous place by the Committee in front of the Applicant's property for a period of not less than seven calendar days prior to the date of said hearing. The committee shall also publish notice of the hearing date and location once in a local newspaper having circulation within the town, not less than five calendar days before such hearing. Any person shall have the opportunity to speak and present relevant evidence at the public hearing, subject to normal limitations and procedures.
- d. Within 15 calendar days after the close of the public hearing, the committee shall decide by majority vote whether the building or structure is a significant structure and if so decided, determine the length of delay (up to 180 days from the date of application) before the demolition permit can be issued. The committee shall notify the Building Official and the Applicant of their decision in writing within five days thereafter.

(4) *When a public hearing is not required.* A public hearing is not required and a demolition permit may be issued in accordance with section 54-77 below if:

- a. The building or structure is not a significant structure, or if the committee fails to notify the Building Official of their determination within the allotted time; and
- b. No Town resident has filed a request for delay within the allotted time or in the event that all requests for delay that were previously filed have been withdrawn.

(Ord. No. 196, 9-17-12)

Sec. 54-77. - Issuance of permit/effect of delay.

- (a) Upon timely notification by the committee following a public hearing that the building or structure is a significant structure, the Building Official shall delay the issuance of a demolition permit for the period of time agreed to by the committee, from the date of application.
- (b) During the demolition delay period set by the committee, the Applicant who is the owner of the significant structure 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 Applicant/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 or to obtain existing data for historical documentation.
- (c) At the sooner of the delay period set by the committee, or the date upon which the requirements of subsection 54-76(4) have been met, a demolition permit may be issued. No permit for demolition of a

significant structure shall be issued, however, until the Building Official finds that the requested permit complies in all respects with state law and Town ordinances, and all applicable fees as delineated in Sec. 54-79 have been paid by the Applicant to the Building Official.

(Ord. No. 196, 9-17-12)

Sec. 54-78. - Period of permit validity.

Any permit issued pursuant to this ordinance shall be valid for a period of one year from the date of issuance. If the demolition contemplated by said permit has not commenced within said one-year period and the owner still wishes to demolish the building or structure, the owner of such building or structure shall be required to apply for a new permit and to satisfy all notification and other requirements of this ordinance.

(Ord. No. 196, 9-17-12)

Sec. 54-79. - Fees and costs for demolition permits.

- (a) 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 upon the current and applicable fee structure as published by the Building Official.
- (b) All costs relating to the publication of a legal notice, certified mailings, and the posting of the demolition sign, if applicable, shall be paid for by the Applicant to the Building Official prior to issuance of a demolition permit.
- (c) 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.

(Ord. No. 196, 9-17-12)

Sec. 54-80. - Violations and penalties.

- (a) The penalties for demolishing a building or structure without a valid permit shall be the same as those set forth in C.G.S. § 29-414, as amended.
- (b) For properties subject to this ordinance, during the application processing period and during the demolition delay period, if applicable, the owner 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 the penalties authorized by law, including but not limited to the Town's anti-blight ordinance.

(Ord. No. 196, 9-17-12)

Sec. 54-81. - Administration.

- (a) The demolition delay committee may adopt such rules and regulations as are necessary to administer the terms of this ordinance.
- (b) The demolition delay committee shall have authority to adopt a schedule of reasonable fees to cover the costs of administration of this ordinance. This schedule will be made available for public inspection at the Building Department.
- (c) The committee may on its own initiative and with information available to it, develop a list of significant structures that may be subject to this ordinance. The initial adoption of the list and any subsequent additions to the list shall be enacted after public hearings on the subject.

(Ord. No. 196, 9-17-12)

Sec. 54-82. - Limitations and exceptions for unsafe buildings and structures.

- (a) This ordinance 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.
- (b) This ordinance 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 has deemed unsafe or dangerous due to deterioration. In case of unsafe buildings or structures the Building Official may take emergency measures as prescribed by the state building codes or state statutes.

(Ord. No. 196, 9-17-12)

Sec. 54-83. - 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.

(Ord. No. 196, 9-17-12)

Secs. 54-84—54-110. - Reserved.