

## **ORDINANCE REGARDING DEMOLITION DELAY**

BE IT ORDAINED by the Town Council of the Town of Plainville, in meeting duly assembled that:

**SECTION 1.** Demolition shall mean any wrecking activity directed to disassembling, dismantling, dismembering or razing of any structure or building or part thereof. Demolition shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the appearance or design thereof, nor to prevent the alteration of any such feature which is required by public safety because of a condition which is unsafe or dangerous due to deterioration.

**SECTION 2.** With respect to any building, structure, or part thereof which is 300 square feet in size or larger, and

- (a) at least 75 years old; or
- (b) included on the Town of Plainville's Historic Inventory list; or
- (c) located within any locally or federally designated historic district, or
- (d) included on the National Historic Register;

no owner or occupant shall demolish such building, structure or part thereof without first applying for and obtaining a demolition permit from the local building official.

**SECTION 3.** With respect to any application to demolish such building, structure, or part thereof as defined above in Section 2, in addition to the applicant's complying with the provisions of the Code of Ordinances of the Town of Plainville, prior to the issuance of a demolition permit the local building official shall publish a legal notice of the filing of an application for a demolition permit in a daily newspaper having substantial circulation in the municipality. The notice shall be published within ten (10) days following the filing of the application. Such notice shall state the following: That an application for a demolition permit has been filed; the date of the filing of such application; the location of the property; the name of the owner of the property; and that unless written objection stating the nature of the objection is filed with the local building official within fifteen (15) days of the publication of the notice, the permit may be issued after the expiration of such fifteen (15) days.

**SECTION 4.** With respect to any application to demolish such building, structure, or part thereof, in addition to complying with the provisions of the state building code and Sections 29-406 to 29-415 inclusive of the state general statutes, within ten (10) days following the filing of the application for a demolition permit, the applicant shall:

- (1) Give written notice of intent to demolish on a form to be furnished by the local building official, to each adjoining property owner at such owner's last address according to the assessor's records of the Town of Plainville, by certified mail, return receipt requested. Notice to a condominium association alone shall be deemed notice to all owners therein. The notice of intent to demolish shall state that an application for a demolition permit has been filed; the date of the filing, the location of the property; the name of the owner of the property; and that unless written objection stating the nature of the objection is filed with the local building official within fifteen (15) days of the publication of the notice, the permit may be issued after the expiration of such fifteen (15) days. A copy of all return certified mail receipts shall be submitted to the local building official, before the demolition permit application is considered complete.
- (2) Give the same written notice that an application for a demolition permit has been filed on a form to be furnished by the local building official, to any individual, firm, corporation, organization or other entity concerned with the preservation of structures within the Town of Plainville by certified mail,

return receipt requested. To be entitled to notification under this provision any such individual, firm, corporation, organization or other entity shall register with the local building official, indicating a desire to be notified of such demolition permit applications, and such registration must be renewed annually each January 1 following the initial registration.

- (3) No later than the day following the filing of an application for demolition permit, the applicant shall post a "notice of intent to demolish sign," which shall be erected in a conspicuous place on the site, viewable from a public street. The sign shall be at least four (4) feet by four (4) feet in size, and shall remain posted for fifteen (15) days. Said sign shall contain the telephone number of the local building official.
- (4) Submit to the local building official an affidavit attesting to compliance with the notice requirements and a list of persons and organizations noticed.
- (5) Pay the cost of the legal notice in addition to the fees normally required for a demolition permit not subject to this section.

**SECTION 5.** If no written objection is filed with the local building official within fifteen (15) days following publication of the legal notice as required above, the local building official may issue the demolition permit if all other requirements have been complied with and all fees paid.

**SECTION 6.** If a written objection, stating the nature of the objection to the issuance of the demolition permit, and stating possible alternatives to the demolition is filed with the local building official by any individual or party within fifteen (15) days following publication of the legal notice as required above, the local building official shall delay issuance of the demolition permit for a period of ninety (90) days from the date of the filing of the application. In the event that all objections are withdrawn before the expiration of ninety (90) days, the permit shall be issued forthwith.

**SECTION 7.** No delay of demolition shall be imposed pursuant to this section on any person who has been ordered to demolish a structure by the local building official or local director of health once the period for the appeal of such order has expired.

**SECTION 8.** A permit issued pursuant to this section shall remain valid for one (1) year from the date of issuance.

**SECTION 9.** Failure to abide by the provisions of this ordinance shall subject violators to all applicable penalties available under the law, including a fine of not more than \$500.00.

**SECTION 10.** This ordinance shall take effect after passage and thirty (30) days after publication.

Adopted by Town Council March 7, 2005