

AN ORDINANCE OF THE TOWN OF STONINGTON, CONNECTICUT TO PROVIDE NOTICE OF AN APPLICATION FOR A DEMOLITION PERMIT AND TO PROVIDE FOR THE DELAY OF THE DEMOLITION OF HISTORICAL STRUCTURES

WHEREAS, the Town of Stonington (hereinafter “Town”) desires to create an ordinance pursuant to Connecticut General Statutes Section 29-406 to provide notice of an application for a demolition permit and to delay the demolition of Historical Structures.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT THE ORDINANCES OF THE TOWN OF STONINGTON BE AMENDED BY ADDING A SECTION TO READ AS FOLLOWS:

1. PURPOSE.

The purpose of this Ordinance pursuant to Connecticut General Statutes Section 29-406, is to promote the cultural, historic, economic and general welfare of the Town of Stonington by investigating alternatives to demolitions of its historic structures. The Town seeks to establish a procedure whereby owners of buildings with significant historic characteristics will be informed of the economic, tax, aesthetic and other benefits of historic preservation of their properties. The Ordinance seeks to further the preservation, rehabilitation and reuse of architecturally significant buildings and structures by providing adequate time for all parties to consider and put forth appropriate development alternatives to demolition. Alternatives include attempts to find a purchaser who will retain or relocate such historic or architecturally significant building or structure or who will present some other reasonable alternative to the last resort of demolition. Where demolition of a historic structures is unavoidable, the Ordinance will also provide time for photographic and other documentation.

This Ordinance does not apply to Demolition Permits in the Borough of Stonington which maintains its own Ordinance entitled, “SBO-18 Ordinance Requiring Notice of Demolition of Certain Buildings.”

2. PERMIT REQUIREMENTS.

No person shall demolish any building, structure or part thereof without first obtaining a Demolition Permit from the Building Official or his/her designee in accordance with the Connecticut General Statutes, State Building Code and this ordinance. No permit shall be issued unless the provisions of this ordinance, relevant State Statutes and the State Building Code are fully complied with.

3. ADDITIONAL REQUIREMENTS FOR CERTAIN STRUCTURES.

Any structure that meets any of the following criteria shall be considered a “Historic Structure” for the purposes of this Ordinance:

- Any structure that is 500 square feet or more in Gross Floor Area (as defined in Section 1.2.2 of the Stonington Zoning Regulations, as amended) and is 70 years old as of the date of application; or

- Any structure listed as a contributing structure in a National or State Historic District, regardless of size; or
- Any structure listed individually in the National or State Register of Historic Places, regardless of size.

The Building Official shall make the final determination as to whether a structure is considered a Historic Structure based on available evidence.

In addition to the requirements set forth in the Connecticut General Statutes and the Connecticut Building Code as amended, Historic Structure shall be subject to the provisions set forth in Section 5 of this ordinance, prior to the issuance of a Demolition Permit.

If it is determined that the proposed demolition is subject to delay as set forth above, the Building Official or his/her designee shall inform the applicant in writing that a waiting period of 90 calendar days from the date of the application shall be imposed before granting the Demolition Permit. During this waiting period the applicant shall take no action toward demolition of the structure or part thereof, including, but not limited to, site remediation and asbestos abatement.

4. DEMOLITION PERMIT; CONTENTS.

In addition to any other requirements set forth in the Connecticut General Statutes, the State Building Code or the regulations of Connecticut state agencies, Applicants shall file an application on a form provided by the town's Building Official, which application shall include the following information for structures of any age proposed to be demolished:

- A. The name, if any, street address and Assessor's Map, Block and Lot number of the structure to be demolished;
- B. The name and address of the owner(s) of the structure to be demolished;
- C. The age (year originally built) of the structure to be demolished;
- D. The Gross Floor Area of the structure to be demolished (as defined in Section 1.2.2 of the Stonington Zoning Regulations, as amended); and
- E. Current photograph of the building or structure.

5. NOTICE OF INTENT TO DEMOLISH; PUBLICATION; POSTING.

When a Demolition Permit is submitted for any Historic Structure, as defined in Section 3 of this Ordinance, the applicant shall take the following actions at his/her own expense within 14 calendar days after the filing of an application:

- A. Publish a legal notice in a local daily newspaper having substantial circulation in the town of a "Notice of Intent to Demolish." The Notice of Intent to Demolish shall state:
 1. That an application has been filed for a Demolition Permit;
 2. The date of filing of such application.;
 3. The street address and Assessor's Map, Block and Lot number of the property.
 4. The name of the property owner; and
 5. A statement that unless written objection is filed with the Building Official within 14 calendar days following publication of the notice, the permit may be issued after the expiration of such 14-day period.

- B. Mail copies of the notice by certified mail, return receipt requested, to the owners of all abutting properties in the Town of Stonington within 100' of the subject property on which the structure to be demolished is situated. Notification shall include properties across any road, highway or body of water.
- C. Mail copies of the notice by certified mail, return receipt requested, to the Stonington Historical Society, Mystic River Historical Society for any structures located in ZIP Code 06355, the Stonington Department of Planning and Stonington First Selectman's Office.
- D. Post in a conspicuous location on the property on which the structure that is to be demolished is situated a sign at least 24 by 36 inches in size that is visible from the nearest public street or other access way adjoining the property. The sign shall include a copy of the notice and shall contain the word "DEMOLITION" in capital letters no less than three inches in height. If there is more than one structure proposed for demolition, one sign shall be posted for each structure. All signs required in this ordinance shall remain posted on the property, if the permit is issued, until the completion of all demolition activities authorized by the permit.
- E. File with the Building Official evidence that the above notice requirements have been complied with including a copy of the notice and evidence of publication, post office receipts, a list of abutters to whom the notices were sent, evidence of the sign posting including photographs of the sign.

6. NOTICE TO DEMOLITION DELAY PUBLIC NOTICE REGISTRY

Within 14 calendar days after the filing of any application for the demolition of a Historic Structure, as defined in Section 3 of this Ordinance, the Building Official or his/her designee shall email notice of the application to any individual, firm, corporation or other entity which has requested in writing from the Building Official's office to be on the Demolition Delay Public Notice Registry as per Section 12 of this Ordinance.

7. OBJECTION TO DEMOLITION APPLICATION.

- A. With respect to any application to demolish a building, structure or part thereof, if a written objection to the issuance of the permit is filed with the office of the Building Official by any individual, firm, corporation, organization or other entity within 14 calendar days following publication of the legal notice as required, the Building Official shall delay issuance of the permit for demolition for a period of 90 calendar days from the receipt of the application. Written objections may also be in the form of electronic communications such as email.
- B. If no objection to the demolition of the subject building, structure or part thereof is filed in writing within 14 calendar days of the publication, the Building Official may issue the permit, provided that all other requirements have been met.

8. EXCEPTIONS.

As per Connecticut General Statutes Section 29-406, the provisions of this Ordinance shall not apply to:

- A. Any structure or part thereof, if the Building Official has ordered demolition due to a threat to public health or safety; or
- B. Demolition required for the removal of a structure acquired by the Connecticut Department of Transportation for a transportation project.

9. PENALTY.

In addition to other penalties and remedies provided by law, each violation of the provisions of this chapter shall be punishable by a fine of \$100 per day, with each day of the violation constituting a separate violation.

10. FEES AND COSTS FOR DEMOLITION PERMITS.

The fees for Demolition Permit application shall be in accordance with the Stonington Building Department permit fee schedule as amended. No Demolition Permit shall be issued until all required fees have been paid.

11. EXPIRATION.

If demolition has not commenced within one year after issuance of a permit, the Building Official shall declare the permit null and void.

12. DEMOLITION DELAY PUBLIC NOTICE REGISTRY

Any individual, firm, corporation, organization or other entity may register in writing through the Building Official's Office for the Town's Demolition Delay Public Notice Registry. Notices of Demolition Permit applications for Historic Structures, as defined by this Ordinance, will be emailed to those on the registry as per Section 5 of this Ordinance. Names and contact information will be kept on this registry for a period of 5 years, after which time individuals must submit a new request to be added for another 5-year period.

13. REPORT OF THE BUILDING OFFICIAL.

The Building Official or his/her designee shall issue an annual report to the Board of Selectmen concerning the number of demolition applications filed, the number of applications subject to this ordinance, the number of applications that were objected to and the number of structures actually demolished.

14. CONFLICT WITH EXISTING ORDINANCES.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

15. SEVERABILITY

If any provision of this ordinance or the application thereof is held to be invalid such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions of applications; and to this end the provisions of this ordinance and the various applications thereof are declared to be severable.

This Ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Stonington.

Adopted:

Effective: