

## CHAPTER 136. – BUILDINGS, DEMOLITION OF

The purpose of this ordinance is to authorize the Town of Ridgefield, as allowed by C.G.S. § 29-406(b), to impose a waiting period of not more than 90 days before granting a demolition permit for certain structures of architectural, historical, or cultural importance. The objective of this ordinance is to promote the cultural, economic, educational aspects and general welfare of the Town of Ridgefield by establishing a process whereby the owners of buildings with significant historical, architectural or cultural characteristics will be informed of the benefits of historic preservation, rehabilitation and reuse of such buildings and structures. The waiting period will provide time for all interested parties to consider and put forth alternatives to demolition.

### Sec. 136-1. – DEFINITIONS.

For the purposes of this chapter, the following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant:* Any person or entity who files an application with the Town of Ridgefield for a demolition permit.

*Building* means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

*Demolition* means any wrecking activity directed to the disassembling, dismantling, dismembering of any structure or building.

*Structure* means an assembly of materials above or below ground level forming a construction for occupancy or other use.

### Sec. 136-2. – PERMIT REQUIRED; REQUISITES FOR ISSUANCE.

- A. Except as specifically exempted under the Connecticut State Building Code, including Section 105.2 thereof, permits are required pursuant to Chapter 541, part IV of the Connecticut General Statute Demolition Code which provides that:
1. No person, firm, corporation or other entity shall demolish any building, structure or part thereof without first obtaining a permit from the Building Department.
- B. The permit application shall include the following:
1. The common name, if any, and actual street address of the building or structure to be demolished.
  2. Tax Assessor's map and lot identification.
  3. The name, address and telephone number of the owner of the building or structure to be demolished.
  4. If the property is located within the Ridgefield Historic Districts, an issued Certificate of Appropriateness from the Ridgefield Historic District Commission.
  5. Inspection report indicating the presence of or absence of Asbestos.
  6. A copy of the Notification to the State of Connecticut Department of Public Health if Asbestos is found present.
  7. The applicant shall also provide documentation that it is in compliance with Connecticut General Statute Chapter 541, section 29-402, License for Demolition Business; Fees; Refusal or Revocation Exemptions, and 29-406, Permit for Demolition of Particular Structure. Exemption. Waiting period.

8. As required by Chapter 541 of the Connecticut General Statutes 29-407 Notices(s) of Intent to Demolish A Structure letter to the adjoining property Owners. A copy of the letter and postal receipt to be presented with application.
  9. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Ridgefield Historic District Commission. A copy of the letter and postal receipt to be presented with application.
  10. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Ridgefield Historical Society. A copy of the letter and postal receipt to be presented with application.
  11. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Ridgefield Architectural Advisory Committee/Village District Consultant. A copy of the letter and postal receipt to be presented with application.
  12. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the Town Clerk and posted in the Town Clerk's office. A copy of the letter and postal receipt to be presented with application.
  13. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to the First Selectman. A copy of the letter and postal receipt to be presented with the application.
  14. Notice of Intent to Demolish A Structure letter mailed Registered or Certified to any Ridgefield Taxpayer who has registered with the Town Building Official to receive notices filed pursuant to this ordinance. A copy of the letter and postal receipt to be presented with application.
- C. If the applicant is not the Owner of the premises upon which the building or structure is situated, the Owner must sign an authorization letter authorizing an applicant to proceed with the work on their behalf. If said applicant is not the demolition license certificate holder, then an additional letter of authorization shall be required for said individual.
- D. No permit shall be issued until:
1. All the requirements set forth in Sec. 136-2 and 136-3 have been satisfied;
  2. Verification and approval of an Inland Wetlands Review; and
  3. Department of Public Works/Highway approval.

**Sec. 136-3. – NOTICE REQUIREMENTS.**

- A. As required by Sec. 136-2. A., the applicant desiring to perform such demolition shall provide a Notice of Intent to Demolish A Structure, via Registered or Certified mail to the following recipients:
1. All adjoining owners of property;
  2. The Ridgefield Historic District Commission;
  3. The Ridgefield Historical Society;
  4. Architectural Advisory Committee/Village District Consultant;
  5. Town Clerk; and
  6. First Selectman.
- The Registered or Certified mail receipts shall be submitted to the Building Department at the time of the application.
- B. The Notice of Intent to Demolish A Structure letter shall contain at least the following information:
1. Name and address of property owner;
  2. Property address to be demolished;
  3. Size and age of the building or structure to be demolished;
  4. Existing use of the property;
  5. Property Assessor's tax number; and

6. Owner's signature.
- C. Publication requirement: Applicant shall publish a "Notice of Intent to Demolish" in a newspaper and an internet published newsletter having substantial circulation in the Town. Such notice shall include the information required in 136-3 (B) and shall state that an application for a permit to demolish has been filed in the Office of the town Building Official, the date of the filing and that such application is currently pending and available for public inspection. The notice shall be published within ten days following the filing of the demolition permit application
- D. Posting requirement: Within seven days following the filing of the demolition permit application, Applicant shall post in a conspicuous location on the property of which the building or structure is situated a sign at least 24 inches by 36 inches in size, visible from the nearest public or private street. Such sign shall include a copy of the notice of intent to demolish and shall contain the word "DEMOLITION" in capital letters in no less than two inches in height. If there is more than one building or structure proposed for demolition, one sign shall be posted with respect to each building or structure. All signs required hereunder shall remain posted on the property for 30 days. If the permit is issued, the sign shall remain posted on the property until the completion of all demolition activities authorized by the permit.

**Sec. 136-4. – DELAY OF ISSUANCE OF BUILDING DEMOLITION PERMIT.**

- A. With respect to any application to demolish any building, structure or part thereof that is at least 50 years old or older, or is otherwise historically, architectural ly or culturally significant, if a written objection to the issuance of the demolition permit together with the written support for such objection from either the Ridgefield Historic District Commission or the Ridgefield Historical Society is filed with the Building Department via Registered or Certified mail by any concerned citizen, individual, firm, corporation, organization or other entity within thirty (30) days following the date of public notice in the newspaper, the chief Building Official, or his designee, shall delay the issuance of the permit for a period of ninety (90) days from the date of the published public notice. If no objection to the demolition of the subject building, structure or part thereof is filed within thirty (30) days of the date of the public notice in the newspaper with the Building Department, the chief Building Official may issue the permit forthwith.
- B. The 90-day delay period is intended to provide an objecting party a reasonable period of time to further investigate the historical background and preservation benefit of the structure and to communicate with the property owner possible alternatives to the demolition of the structure. Written objections shall be based solely upon whether the proposed building or structure to be demolished meets the criteria of age and/or is historically, architectural ly or culturally significant to the Town of Ridgefield and such written objections from an objecting party must be accompanied by the written concurrence to the objection by either the Ridgefield Historic District Commission, the Ridgefield Historical Society.
- C. Notwithstanding the foregoing provisions, within 30 days following the publication of the legal notice, the Building Official may, with the written approval of the Ridgefield Historic District Commission and the Ridgefield Historical Society, make a written finding that the building or structure which is proposed to be demolished is not of an age, style, location, condition or character that is of historical, architectural or cultural significance to the Town of Ridgefield. Upon such finding, the Building Official may waive the provision of this ordinance requiring delay in the issuance of the demolition permit.
- D. Notwithstanding the foregoing provisions of this chapter, the issuance of a demolition permit shall not be delayed more than ninety (90) days from the date an initial objection is filed to the issuance of a permit under subsection A above.

- E. Notwithstanding the foregoing provisions, after 40 days following the publication of the legal notice, the applicant may request in writing that the Building Official confer with the objecting party to determine whether the 90-day delay period may be terminated at an earlier date. Such applicant request for early termination of the 90-day delay period shall state the reasons for such request.
- F. During the waiting period referred to in this Section, the applicant shall take no action toward demolition of the building, structure or part thereof, including, but not limited to, site remediation and asbestos abatement. 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. The provisions of this subsection shall not apply in the event that the Chief Building Official determines that compliance with the subsection would result in a danger to public health.
- G. Notwithstanding the provisions of this Sec. 136-4, if a building or structure is subject to oversight by the Ridgefield Historic District Commission under the authority granted by Connecticut Statute Sec. 7-147 and Town Ordinance Chapter 208, the requirements of those sections, including receipt of a Certificate of Appropriateness approving the demolition of such building or structure from the Ridgefield Historic District Commission, must be met before the Building Official may issue a demolition permit and the Building Official may not waive any provisions of this ordinance.

**Sec. 136-5. – VIOLATIONS AND PENALTIES.**

- A. The Building Official is authorized to institute any and all actions or proceedings, in law or in equity, ashe/she may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.
- B. During the application processing period and during the demolition delay period, if applicable, the owner shall take reasonable steps to protect the building or structure to prevent deterioration.
- C. Any person failing to abide by the provision of this chapter or Connecticut General Statutes Sections 29-401 through 29-415 shall be fined the maximum amount allowed or imprisoned not more than one (1) year or both pursuant to Connecticut General Statutes Section 29-414. In addition to such penalties and remedies provided by such law, any person violating Sec. 136-4.F. of this ordinance, with respect to the demolition or partial demolition of a structure which is subject to a continuing demolition delay waiting period will be denied the issuance of any land use permits including but not limited to zoning, building, health, wetlands, department of public works, and water pollution control for one year from the date of the violation. This one-year denial of permit applies to all of the properties of any violating person and any entities under that person's common control or ownership. The restriction may only be lifted by action of the Board of Selectmen.

Violators will also be responsible for all costs and expenses associated with enforcement and the collection of any civil penalties, which shall include, but shall not be limited to, attorney fees, court costs, mailing fees and filing fees.

**Sec. 136-6. – Emergency measures.**

- A. Emergency measures shall be taken and enforced pursuant to Connecticut General Statutes 29-252a, otherwise known as the currently adopted building code.