

---

# Demolition Delay

## TOWN OF EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on May 15, 2003.

### “Demolition Delay Ordinance”

WHEREAS, Connecticut General Statutes section 29-406(a) provides that certain criteria be met prior to the issuance of a demolition permit; and

WHEREAS, Connecticut General Statutes 29-406(b) authorizes municipalities to impose a waiting period of not more than ninety (90) days before granting any permit for the demolition of any building or structure or part thereof; and

WHEREAS, the Board of Selectmen finds that not only public health, safety and welfare will be served by imposing such a waiting period in order that buildings may be saved from demolition, but also that such a waiting period can help preserve valuable town landmarks significant to the fabric of town heritage, which is part of a broad public trust;

NOW THEREFORE, be it ordained by the Town of East Windsor that:

#### **Section 1. Permit to demolish buildings and structures**

No person, firm, corporation, or other entity shall demolish any building, structure, or part thereof, without first obtaining a permit from the Building Department, which permit shall be valid for no longer than six (6) months after the date of issue. No permit shall be issued until the applicant:

- a. Complies with the provisions of the Connecticut General Statutes sections 29-401, et seq; and
- b. Complies with the provisions of this ordinance.

#### **Section 2. Application for a demolition permit; procedures**

- a. No person/entity shall receive a demolition permit without having first submitted to the Building Department a completed application for the issuance of a demolition permit, upon a form to be provided by the Building Department.
- b. Such form shall require any information deemed important by the building official, including the following:
  1. the address of the building to be demolished
  2. the name and address of the building's owners
  3. the date on which the demolition is desired to begin, and
  4. the approximate age and type of building to be demolished.
- c. No permit for the demolition of any building or part thereof which is more than 75 years old (the applicant must file written verification of the age of the building, and if the building official is uncertain of the age, should treat it as 75 years or older); five hundred (500) square feet in size or larger; and of possible historical, architectural, or cultural significance to the town, shall be issued until a Notice of the Demolition Permit Application has been filed by the applicant on a form to be provided by the Building Department and published by the building official as hereinafter set forth.

#### **Section 3. Publication of Notice of Demolition Permit Application and Objections thereto**

- a. The Notice of Application shall be published by the building official in a daily or weekly newspaper having substantial circulation in town. The notice shall be published once within ten (10) days following the filing of the demolition permit application, and shall state the following: the date of the filing of the application; the location of the property; the name of the owners of the property; and that unless written objection, stating the nature of the objection, is filed with the building official

within fifteen (15) days of the publication of the Notice, the permit may be issued after the expiration of the fifteen (15) day period.

b. Not more than ten (10) days following the filing of the demolition permit application, the building official shall also mail a Notice of the application to the East Windsor Historical Commission, and to any other persons or entities who shall register with the Building Department as herein provided.

c. In order to be entitled to notice by mail as provided by this ordinance, each person or entity other than the East Windsor Historical Commission desiring such notice shall register with the Building Department at any time after the effective date of this ordinance, and annually thereafter.

d. This ordinance shall not relieve the applicant of the obligation of giving notice to any other person or entities as otherwise required by law, including written notice or adjacent property owners.

e. A sign shall be posted by the applicant along the frontage of a property proposed for demolition no less than thirty (30) days prior to the issuance of a demolition permit for a site.

#### **Section 4. Objections**

All objections to any application covered by this ordinance shall be in writing and shall be delivered or mailed to the building official, the owner of the building to be demolished, and to the applicant. All withdrawals of objections shall, similarly, be in writing and shall be delivered or mailed to the building official, the owner of the building, and to the applicant.

#### **Section 5. Waiting Period**

No permit for the demolition a building, or structure, or part thereof, requiring a Notice of Demolition Permit Application shall be issued until the expiration of a period of ninety (90) days from the date of the application, provided that if no objection as herein provided is received by the building official within fifteen (15) days of the publication and mailing of notices as provided in this ordinance, or if any objection as herein provided is withdrawn and such withdrawal is received by the building official, the building official may issue the permit forthwith.

#### **Section 6. Exceptions**

In the case of any unsafe building or structure, the building official may take emergency measures as prescribed by the State building code or the General Statutes.

#### **Section 7. Fines**

Any person/entity who violates any provision of this ordinance shall be fined not more than \$100.00 per day until the violation is remedied, up to the maximum permitted by state statute.

Said ordinance shall become effective fifteen (15) day from publication thereof.

Ord 03-03

Attest: \_\_\_\_\_

Karen W. Gaudreau CCTC  
Town Clerk of East Windsor

Journal Inquirer  
June 21, 2003

