

AMENDMENT AND RESTATEMENT OF THE ORDINANCE  
DELAYING GRANTING OF PERMIT  
FOR DEMOLITION OF HISTORIC BUILDINGS

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF ESSEX IN LAWFUL TOWN MEETING DULY ASSEMBLED, THAT THE ORDINANCE DELAYING GRANTING OF PERMIT FOR DEMOLITION OF HISTORIC BUILDINGS ADOPTED ON OCTOBER 6, 2004 BE HEREBY AMENDED AND RESTATED AS FOLLOWS:

Section 1. The provisions of this Amended and Restated Ordinance shall not apply where the Building Official determines that the demolition is required without delay for health or safety reasons. The Building Official shall make the final determination as to whether this exemption applies.

Section 2. Under no circumstances shall any demolition occur prior to the issuance of a valid demolition permit.

Section 3. Any building listed individually on the National Registry of Historic Places or on the State of Connecticut Register of Historic Places, regardless of square footage, shall be considered a "historic building" for the purposes of the delay of demolition provisions of this Ordinance.

Section 4. Any building or any portion thereof in excess of 500 square feet, constructed 75 years or more prior to the date of the acceptance by the Building Official of the completed Notice of Intent to Demolish form shall be considered a "historic building" for the purposes of the delay of demolition provisions of this Ordinance.

Section 5. No Demolition Permit for the demolition of any "historic building" as above defined shall be issued by the Building Official for a period of ninety (90) days from the date of the acceptance by the Building Official of the completed Notice of Intent to Demolish, unless the delay is terminated under the provisions of this Ordinance.

Section 6. Prior to submitting a Demolition Permit Application, the applicant shall complete the Notice of Intent to Demolish on the form provided by the Building Official with respect to any building which the Building Official has reason to believe may be a historic building as above defined. Such Notice of Intent to Demolish form shall contain the name of the property owner, the address of the building or property where the building is located, the approximate area of each floor of the building, the general characteristics of the building, the estimated age of the building and a general description of the materials of the building.

CERTIFIED TO BE A TRUE COPY.

DATE: 10/15/10

SIGNED: [Signature]

TOWN CLERK OF ESSEX, CT

**Section 7.** Within five (5) business days of the filing of the Notice of Intent to Demolish form and payment of the \$175.00 administrative fee, the Building Official shall make the determination as to whether the building is a historic building as herein defined, and whether the delay provisions of this Ordinance shall apply, by consulting such sources as the Building Official deems appropriate. The decision of the Building Official as to whether a building is a historic building shall be final.

**Section 8.** When the Building Official determines that a building is a historic building as defined above, the Building Official shall forward a copy of the Notice of Intent to Demolish, with the determination made noted thereon to the Owner, the Town Historian, The First Selectman (or such person as the First Selectman may designate as his agent for this purpose) and the president of the Essex Historical Society, with such supporting documentation as the Building Official deems appropriate, within said five business days.

**Section 9.** Within said five business days, the Building Official shall also post the following Notice on the Town Website:

(Insert date of posting on the website)

NOTICE  
TOWN OF ESSEX  
BUILDING DEPARTMENT

NOTICE IS HEREBY GIVEN that on (insert date of Notice of Intent to Demolish), the Essex Building Department received a Notice of Intent to Demolish (insert the property address, Assessor's Map and Lot number, a description of the building and the estimated age of construction of the building to be demolished). A copy of the above application is on file in the Essex Building Department and is available for public review Monday through Friday from 9:00 am to 4:00 pm.

Unless written objection signed by the person objecting is filed with the Building Official within ten days of the posting of this Notice, the delay in issuing the demolition permit shall be terminated and the Building Official shall be entitled to issue the demolition permit in accordance with the requirements of the State Demolition Code. In the event the tenth day after the date of posting of this notice is a day on which the office of the Building Official is closed, the deadline for the filing of the objection shall be extended to the next day that the office of the Building Official is open.

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(insert name of Building Official)

Building Official  
Essex Building Department



The Building Official may modify the above language for purposes of clarity, such as where there may be more than one building on a property, or multiple buildings being demolished.

Section 10. Within said five business days, the Building Official shall also post a sign in a conspicuous place on the property so as to be visible from the street serving the property stating:

This property is the subject of a demolition application before the Essex Building Department. For information call 860-767-4340, Ext. 117/119.

The Building Official may modify the above language for purposes of clarity, such as where there may be more than one building on a property, or multiple buildings being demolished. \$100.00 of the Administrative fee will be refunded upon return of the sign to the Building Department in condition suitable for reuse.

Section 11. Unless a written objection is filed with the Building Official within 10 days after the date of the last required posting, the delay in issuing the demolition permit shall be terminated and the Building Official shall be entitled to issue the demolition permit in accordance with the requirements of the State Demolition Code Connecticut General Statutes § 29-401 – 29-415. If the Office of the Building Official is not open on the said 10th day, the deadline is extended until the next day the Office of the Building Official is open.

Section 12. If a written objection to the demolition is timely filed, the issuance of the Demolition Permit shall be delayed until the expiration of 90 days from the date of the filing of the completed Notice of Intent to Demolish Application form was accepted as complete by the Building Official.

Section 13. Any person violating this Ordinance shall be subject to the maximum allowable penalty under §7-148(b)10(A).

This amended and restated ordinance shall become effective fifteen days after its publication in a newspaper having circulation in the Town of Essex.

Adopted at a Special Town Meeting June 4, 2014.

Published in the Valley Courier June 18, 2014.