

TOWN OF WILTON
ORDINANCE CONCERNING STAY OF DEMOLITION OF HISTORIC BUILDINGS

Purpose: The purpose of this ordinance is to provide public notice of the intent to demolish a building, structure or part thereof, more than fifty (50) years old, or in other ways significant, and to impose a waiting period not to exceed ninety (90) days in accordance with Connecticut General Statutes section 29-406(b) so that consideration may be given to the documentation and preservation of historical, architectural, or culturally significant buildings in the Town of Wilton.

- A. No person, firm, corporation, public agency or other entity ("the applicant") shall demolish a building, structure or part thereof located in the Town of Wilton that is larger than five hundred (500) square feet in total size and either was constructed more than fifty (50) years prior to the date of the application for a demolition permit or is less than fifty (50) years old but is included in the "Cultural Resource Survey of Wilton, Connecticut" conducted by Mary Elizabeth McCahon and Wilton Historical Society, Inc. in 1989, as it may be amended from time to time, which is on file in the Wilton History Room of the Wilton Library Association, Inc. and in the Office of the Wilton Town Clerk, without filing an application and obtaining a permit for such demolition from the Building Inspector of the Town of Wilton ("the Building Inspector").

(1) Definitions:

- a. Part thereof - 50% or more of a dwelling/structure more than 500 square feet in size including areas on ground level and above. Basement not to be considered in the calculation
 - b. Demolition - removal, alteration and/or replacement of exterior walls. Including but not limited to any part of proposed work that may impact the architecture and/or façade of dwelling/structure.
 - c. Structure - anything that has been constructed/built
- B. The demolition of any such building, structure or part thereof shall be subject to the following requirements and procedures in addition to the provisions of Connecticut General Statutes sections 29-401 through 29-415:
- (1) The applicant shall file an application for a demolition permit with the Building Inspector which application shall include, in addition to such other information as may be required, the size and the age of the building or structure to be demolished. Verification of both size and age shall be provided by the applicant and shall be obtained from independent records such as the Wilton Tax Assessor's records or the "Cultural Resource Survey of Wilton, Connecticut."
 - (2) All applications for partial demolition meeting the conditions of this ordinance shall be submitted to a committee (appointed by the Wilton Historical District Commission) for review within 15 days of the application

- (3) Upon filing of the demolition permit application, the applicant shall post a "notice of intent to demolish" sign provided by the applicant and approved by the Wilton Building Department in a conspicuous place on the property upon which the building to be demolished is located. Such sign shall include 3" lettering and not exceed sixteen (16) square feet in area and shall remain posted for fifteen (15) consecutive days from the date of the legal notice publication.
- (4) The applicant shall pay the cost of the legal notice required under section B.5 hereof.
- (5) Upon receipt of an application for demolition of a building, structure, or part thereof subject to the terms of this ordinance, the Building Inspector shall publish a legal notice of the demolition permit application in a newspaper having substantial circulation in the Town of Wilton. Such notice shall state 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, the size and age of the building to be demolished and that unless a pertinent written objection to the demolition is filed with the Building Inspector within fifteen (15) days of the publication of the legal notice, the demolition permit may be issued after the expiration of such fifteen (15) days. Such notice shall be published by the Building Inspector not later than fifteen (15) days after receipt of an application.
- (6) The Building Inspector shall no later than the publication of such legal notice, mail a copy of said legal notice to the Wilton Historic District Commission, the Wilton Historical Society, the Connecticut Historical Commission and to any organization, firm, corporation, society, public agency or individual who has requested such notification by written notice delivered to the Building Inspector. To be entitled to notification under this provision, any such organization, firm, corporation, society, public agency or individual shall register with the Building Inspector and indicate a desire to be notified of demolition permit applications for historic or significant buildings or structures. Such notification request shall be renewed annually each January 1 following the initial request. The Building Inspector shall maintain on file a list of names and addresses of all interested parties who have requested such notification.
- (7) If the Building Inspector has received no pertinent written objection to the application within fifteen (15) days following the publication of said legal notice he may issue the demolition permit. Pertinent written objections shall state the architectural, historic or cultural importance of the subject building.
- (8) If the Building Inspector receives a pertinent written objection to the issuance of a demolition permit within fifteen (15) days following the publication of said legal notice the Building Inspector shall delay the issuance of a permit for a period of

ninety (90) days following the date of the filing of the demolition permit application. In the event that all such written objections are withdrawn before the expiration of the ninety-day period, the Building Inspector may issue the demolition permit.

- (9) Notwithstanding the foregoing provisions, within fifteen (15) days following the publication of the legal notice the Building Inspector may, with the written approval of the Wilton Historic District Commission and the Wilton Historical Society, make a written finding that the building 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 Wilton. Upon such finding the Building Inspector may waive the provisions of this ordinance requiring delay in the issuance of the demolition permit. If the Building Inspector receives no written response from the Wilton Historic District Commission or the Wilton Historical Society within ten (10) days of mailing the copy of the legal notice, approval shall be presumed. A written notice of waiver shall be sent by first class mail on the day of the waiver determination to all interested parties as listed in Section B.6. In the event of such a waiver by the Building Inspector, a demolition permit may be issued on the eighth day following the waiver determination provided that no appeal of said determination has been taken to the Wilton Board of Selectmen ("the Board").
 - (10) Any person aggrieved by the action of the Building Inspector in waiving such provisions may appeal to the Board within seven (7) days following the waiver determination. This provision shall not preclude applicants from pursuing any other available means of appeal provided by the Connecticut General Statutes. The Board shall have the power to overrule the waiver and may issue a stay of demolition for a period of ninety (90) days from the date of the filing of the demolition permit application or may uphold the waiver. In considering such appeal the Board shall review the architectural, cultural and historic importance of the building. Any such appeal shall be heard by the Board at its next regularly scheduled meeting.
- C. Notwithstanding the provisions of section B.9 above, if a building or structure listed on the National or State Register of Historic Places or located in one of Wilton's historic districts is proposed to be demolished, the Building Inspector may not waive any provisions of this ordinance. The application for demolition shall be referred to the Wilton Historic District Commission and the Connecticut Historical Commission which may, under Connecticut General Statutes section 7-147j(b), delay demolition for ninety (90) days from issuance of a demolition permit if during such time the Wilton Historic District Commission or the Connecticut Historical Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition.
- D. The provisions of this ordinance shall not apply to any demolition ordered by the

Building Inspector because of an emergency or threat to public health and/or safety.

- E. Any permit issued under this ordinance shall become invalid if the authorized demolition work is not completed within six (6) months after issuance of the permit.
- F. Pursuant to Connecticut General Statute Section 29-414 failure of any person, firm, corporation, public agency or other entity to comply with the above provisions may result in a fine of not more than \$500.00 or imprisonment of not more than a year or both.
- G. The effective date of this ordinance shall be January 1, 1998. Revision Date January 21, 2003.