

**200. RESOLUTION THAT THE MAYOR AND COUNCIL FINALLY APPROVE “AN ORDINANCE FOR CITY OF GROTON BUILDING DEMOLITION AND PRESERVATION” (INITIALLY APPROVED JUNE 3, 2013 AND FINALLY APPROVED JULY 1, 2013)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GROTON:**

**WHEREAS,** This Ordinance is adopted under authority of C.G.S. § 29-406(b)

A. Its purpose is to establish a waiting period before a demolition permit may be granted for commercial and industrial structures of the size hereinafter described. This ordinance is not intended for a demolition permit that is incorporated as part of a building permit as determined by

the building official. The Ordinance is intended to promote and protect the public safety and health and environmental and general welfare of the City of Groton, its residents and taxpayers: (1) by establishing a process whereby the owners of buildings of the characteristics described herein will be informed of the benefits of preservation, rehabilitation, and reuse of such buildings and structures, and (2) by providing a period of time for all interested parties to consider alternatives to demolition and to examine the impact of demolition on the environment and to ensure that the property can be redeveloped in the future.

B. No permit for the demolition of any commercial or industrial building or structure which totals 5000 square feet or more, or of any part of such a building or structure, shall be issued until the following requirements are satisfied:

(1) The filing of an application for a demolition permit with the Building Official upon a form provided by the Building Official, which form shall contain, in addition to such other information as may be required, the name and address of the owner of and the address of the building/structure to be demolished. The application for demolition permit shall include a narrative statement of all appropriate alternatives to demolition considered by the applicant.

(2) The demolition plan shall include

a) the plan for the removal of asbestos, lead paint, heavy metals as submitted to and approved by appropriate state agencies.

b) a plan for handling fugitive dust and air emissions, worker safety requirements, treated wood and chemical products, mercury, PCBs, used electronics and batteries, heating, ventilation and air conditioning (HVAC) units (CFCs and HCFCs), underground fuel storage tanks, contaminated equipment, or structures.

c) a Phase I site investigation and a Phase II site investigation (if required by the Phase I site investigation) prepared by a licensed environmental professional as submitted to and approved by the appropriate state and/or local agency. A

waiver for the Phase I site investigation may be granted if evidence is submitted of ongoing environmental monitoring for soil contamination.

- d) a detailed written recycling plan for demolition debris (including for example, wood, steel, wallboard, concrete, brick, etc.), the identification of the disposal site(s) for any materials not reused, and post-demolition soil stability as called out in the demolition specifications.

Items requiring third party review (including structural engineering, wetland impact, etc) will be referred to a qualified party, by the City, within 10 days of the item. The cost of outside review shall be borne by applicant, and shall be paid before the consultant is engaged. If the permit application is defective or incomplete, the building official will notify the applicant as soon as is practicable.

(3) Publication by the Building Official of notice of the demolition permit application in a newspaper having a substantial circulation in the Town and City of Groton. The notice shall be published within seven days of receipt of the demolition permit application.

(4) Notification by mail by the Building Official, within fourteen days after the filing of the demolition permit application, of any organization concerned with the preservation of structures within the municipality and any organization concerned with the environmental impact of the demolition of such structures. To be entitled to notification under this provision, any such organization shall register with the Building Official and indicate a desire to be notified of demolition permit applications affecting its area of concern, and such registration must be renewed annually each January 1 following the initial registration. Provided, however, that the Building Official may send notices to any unregistered, non-governmental entity (or potential tenant or purchaser of the building at issue) he believes might have an interest in preserving the building/structure.

(5) Notification by mail, by the applicant, within seven days following the filing of the demolition permit application, of the owners of all property adjoining the property on which the building/structure to be demolished is located. The identity of the owners entitled to notification under this provision shall be those adjoining property owners as shown on the then current Town of Groton Assessor's Map.

(6) The completion of a waiting period not to exceed 90 days following the filing of the application for the demolition permit that the Building Official may reduce for good cause, but in no event to fewer than 30 days. Good cause could include the determination, based on evidence, that all appropriate alternatives have been considered, the demolition plan(s) and supporting documents comply with this Ordinance and all other applicable regulations, statutes, and Building Codes, that the waiting period is unlikely to change the outcome and may delay new construction. No waiting period shall be required if the Building Official determines that the condition of the structure is such that the delay of its demolition would pose significant risks to public safety.

C. This Ordinance shall apply to any demolition permit application filed after its effective date and to any demolition permit application pending as of its effective date, provided that as to any pending application, the waiting period shall be reduced by the number of days that the application was pending as of the effective date of this Ordinance.

D. The requirements, powers, and procedures under this Ordinance are in addition to the requirements, powers, and procedures of and the authority granted the City of Groton and the City of Groton Building Official by the statutes and regulations of the State of Connecticut, including without limitation the requirements, procedures, powers and authority prescribed by Connecticut General Statutes sections 29-401 through 29-415, inclusive, and by the Charter and Ordinances of the City of Groton.

**WHEREAS**, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on June 8, 2013 and June 9, 2013;

**WHEREAS**, this Ordinance shall be effective upon passage;

**THEREFORE, BE IT RESOLVED** that the Mayor and Council Finally Approve “An Ordinance for the City of Groton Building Demolition and Preservation.”