

TOWN ORDINANCE

WAITING PERIOD FOR DEMOLITION PERMITS FOR BUILDINGS OR STRUCTURES OVER SIXTY YEARS OLD

Section 1. As authorized by §29-406(b) of the Connecticut General Statutes, there will be a ninety (90) day waiting period before granting any permit for the demolition of any building or structure, five hundred (500) square feet or larger, that is more than sixty (60) years old. Said waiting period shall commence on the date of newspaper publication.

Section 2. In the construction of this article, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases that have been given working definitions in state demolition regulations, shall be construed and understood accordingly.

Section 3. Any applicant for a demolition permit shall provide the following information verified under oath on a form provided by the Land Use Department:

- (a) the name, if any, and address of the building or structure to be demolished;
- (b) the name and address of the owner of the building or structure to be demolished;
- (c) the age of the building or structure to be demolished;
- (d) the square footage of the building or structure to be demolished; and
- (e) the names and addresses of the owners of all properties adjoining the property on which the building or structure to be demolished is located according to an attached copy(s) of a pertinent portion of the current assessor's map.

Section 4. Within five (5) days of the filing of an application for a demolition permit for a building or structure five hundred (500) square feet or larger that is over sixty (60) years old, the applicant shall issue notices set forth in this section containing information provided in Section 3 (a) through (c) along with a statement that an application for a demolition permit is pending, that information may be obtained from the building official, and that any objection to the demolition must be filed in writing with the building official within forty-five (45) days of publication notice to prevent the shortening of the waiting period established by Town ordinance:

- (a) publication notice delivered prepaid to a newspaper having a general circulation in the Town with direction that it be published within seven days of receipt;
- (b) first class mail notice to the owners, as verified from the Real Property records on file in the office of the Assessor, of all property adjoining the property on which the building or structure to be demolished is located;
- (c) first class mail notice to each historic district commission in the Town, the Madison Historical Society, the Deacon John Grave Foundation, the Charlotte L. Evarts Memorial Archives and the residential association (if applicable) in which the building or structure is located;
- (d) notice by posting a sign of a size no smaller than twenty-four (24) by thirty-six (36) inches on the property on which the building or structure to be demolished is located in a conspicuous place visible from a public or other accessing street. The sign shall contain the word "DEMOLITION" in capital letters no less than three (3) inches high. If there is more than one building or structure proposed for demolition, a sign shall be posted on or near each of them. Said sign shall include contact information

for the property owner and/or his/her agent and the building official and shall remain on the property from the time of posting until the final demolition; and

(e) first class mail or hand delivery notice to the Land Use Office, verifying that all the notices required in subsection 4 (a) through (d) have been made with copies of subsection 4 (a) through (c) notices attached and evidence of mailing for items (b) and (c) in the form of United States Post Office Certificates of Mailing included. A copy of the published legal notice shall also be forwarded to the Land Use Office by first class mail or hand delivery within seven (7) days of publication.

Section 5. A separate fee for demolition applications shall be set by the Board of Selectmen and charged by the Land Use Office for all demolition applications that require administrative review under this ordinance to defray the cost of all such review.

Section 6. If no written objection to the granting of the demolition permit is filed with the Land Use Office within forty-five (45) days of the publication notice set forth in Section 4 (a), the balance of the waiting period shall be waived.

Section 7. The provisions of this article shall not apply to orders of the building official or the director of health for emergency applications because of hazardous buildings or structures posing a threat to public health or safety.

Effective May 25, 2006.

**WAITING PERIOD FOR DEMOLITION PERMITS
FOR BUILDING OR STRUCTURES OVER SIXTY YEARS OLD**

INFORMATION FOR APPLICANTS AND OBJECTORS

The applicant shall:

1. Submit Demolition Permit Application to Building Official with any required fee(s).
2. Submit Affidavit in Support of Application for Demolition Permit to the Land Use Office with \$75 fee for administrative review.
3. Within five (5) days of Permit application, deliver to the *Shoreline Times* or the *Source* a prepaid legal notice in the prescribed form with direction that it be published within seven days of receipt; verification of publication shall be provided to the Town as described in item 7 below.
4. Within five (5) days of Permit application, provide notice by first class mail to the owners of all property adjoining the property on which the building or structure to be demolished is located. Notice shall be in the form prescribed by the Town and certificates of mailing shall be provided to the Town as described in item 6 below.
5. Within five (5) days of Permit application, provide notice by first class mail to the (*Local Historic District Commission*), the Historical Society of the Town of Madison, The Deacon John Grave Foundation, The Charlotte L. Evarts Memorial Archives, and any residential association in which the building or structure is located. (See mailing addresses below.) Notice shall be in the form prescribed by the Town and certificates of mailing shall be provided to the Town as described in item 6 below.
6. Within five (5) days of Permit application, post a sign of a size no smaller than twenty-four (24) by thirty-six (36) inches on the property on which the building or structure to be demolished is located in a conspicuous place visible from a public or other accessing street. The sign shall contain the word "DEMOLITION" in capital letters no less than three (3) inches high. If there is more than one building or structure proposed for demolition, a sign shall be posted on or near each of them. The sign shall include contact information for the property owner and/or his/her agent and the building official and shall remain on the property from the time of posting until the final demolition. A Sample Sign Text is available in the Land Use Office.
7. Within five (5) days of Permit application, provide to the Land Use Office by first class mail *or hand delivery*, the completed Verification of Compliance with Requirements of Demolition Delay Ordinance. This form shall be accompanied by a copy of the legal notice, a copy of the letter mailed to joiners and required parties, and United States Post office Certificates of Mailing for all letters required in items 3 and 4 above.
8. Within seven (7) days of publication, provide to the Land Use Office by first class mail *or hand delivery*, a copy of the published legal notice.

An Objector shall:

1. File with the Land Use Office an objection to demolition on the prescribed form within forty-five (45) days of publication.
2. Be responsible for any and all efforts to further the preservation of the building or structure (e.g. negotiating with the owner, locating interested preservationists, etc.).

Mailing Addresses:

Land Use Office
Town of Madison
8 Campus Drive
Madison, CT 06443
Phone: 203 245-5632

Madison Historical Society
P.O. Box 17
Madison, CT 06443

The Deacon John Grave Foundation
P.O. Box 651
Madison, CT 06443

The Charlotte L. Evarts Memorial Archives
8 Meetinghouse Lane
Madison, CT 06443

TOWN OF MADISON

AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEMOLITION PERMIT

1. My name is _____ *[name]* and I am over the age of eighteen (18) and believe in the obligations of an oath.
2. I, the undersigned, am the applicant for a demolition permit for the building/structure known as *[building name, if any]* _____, located at *[street address]* _____, Assessor's Map Number _____, Lot Number _____.
3. The building is owned by *[name]* _____ *[address]* _____.
4. The building was built in *[year]* _____, and has a footprint area of _____ square feet and a floor area of _____ square feet.
5. I have attached the names and mailing addresses of the owners of all properties adjoining the property on which the building/structure to be demolished is located along with the name and mailing address of any association in which it is located and a copy of the Assessor's map. (Omit for building less than 60 years old.)
6. I make this Affidavit for the purpose of compliance with Town Ordinance titled "Waiting Period for Demolition Permits for Buildings or Structures over Sixty Years Old". I understand that if the statements in the Affidavit are found to be untrue, that will be grounds for the denial or subsequent revocation of my Permit.

Dated at _____ *[city/town where this is being signed]*, this _____ *[day]* of _____ *[month]*, _____ *[year]*.

[signature]

[legibly print or type your name]

[mailing address]

[phone]

Subscribed and sworn before me this _____ day of _____, 200__ .

Notary Public

My Commission Expires on: _____

For office use:

- The above applicant has complied with the terms of the Demolition Delay Ordinance and no objection was filed within the 45 days prescribed with the ordinance. Demolition may proceed.
- The above applicant has complied with the terms of the Demolition Delay Ordinance and the 90 day delay period has expired. Demolition may proceed.
- The building has been documented to be less than 60 years old. Demolition may proceed.

signed _____, Zoning Enforcement Officer Date: _____

TOWN OF MADISON

**VERIFICATION OF COMPLIANCE WITH REQUIREMENTS OF
DEMOLITION DELAY ORDINANCE**

[Building name, if any] _____,
located at [street address] _____,
Assessor's Map Number _____, Lot Number _____.

1. On _____, I filed an application for a demolition permit and an affidavit in support of said application.
2. Within five (5) days, on _____, I delivered the required legal notice, prepaid, to _____ [newspaper name] with direction that it be published within seven days of receipt. Said notice was published on _____, and a copy will be provided within seven (7) days of publication.
3. Within five (5) days, on _____, I mailed the required letter by first class mail to the owners of all property adjoining the property on which the building or structure to be demolished is located, to (*the Local Historic District Commission*), the Historical Society of the Town of Madison, The Deacon John Grave Foundation, The Charlotte L. Evarts Memorial Archives and the _____ Association. A copy of said letter and Certificates of Mailing for each letter are attached.
4. Within five (5) days, on _____, I posted a sign(s) of a size no smaller than twenty-four (24) by thirty-six (36) inches on the property on which the building or structure to be demolished is located in a conspicuous place visible from a public or other accessing street. The sign contained the word "DEMOLITION" in capital letters no less than three (3) inches high. Said sign shall remain on the property from the time of posting until the final demolition.
5. It is within five (5) days and I hereby submit this verification of compliance with the Demolition Delay Ordinance.

[signature]

[date]

Town of Madison

Sample Sign Text – Notice of Proposed Demolition

You must provide notice by posting a sign of a size **no smaller than twenty-four (24) by thirty-six (36) inches** on the property on which the building or structure to be demolished is located in a conspicuous place visible from a public or other accessing street. The sign shall contain the word **“DEMOLITION” in capital letters no less than three (3) inches high**. If there is more than one building or structure proposed for demolition, a sign shall be posted on or near each of them. Said sign shall include contact information for the property owner and/or his/her agent and the building official and shall remain on the property from the time of posting until the final demolition.

DEMOLITION

Owner/Agent: _____

Address: _____

Phone: _____

Madison Building Official:
8 Campus Drive, Madison, CT 06443 (203) 245-5618

Form for Notification Letter - Demolition Permit Application

To Whom It May Concern:

Notice is hereby given that _____ has filed an application with the Madison Building Official for approval to demolish the building or structure described below:

Name, if any, of Building or Structure: _____ Year Built: _____

Address: _____

Name of Building Owner: _____

Address of Building Owner: _____

Age of Building/Structure: _____

Further information concerning this pending application may be obtained by contacting the Land Use office at (203) 245-5632.

Any objection to the demolition of the above building or structure must be filed **in writing on the required form** with the Land Use office within forty-five (45) days of the publication of notice, which was/will be on _____ in order to prevent the shortening of the waiting period established by Town Ordinance.

signature

Form for Legal Notice

Town of Madison
Notice of Application for Demolition Permit

Notice is hereby given that _____ has filed an application with the Madison Building Official for approval to demolish the building or structure described below:

Name, if any, of Building or Structure: _____ Year Built: _____

Address: _____

Name of Building Owner: _____

Address of Building Owner: _____

Age of Building/Structure: _____

Further information concerning this pending application may be obtained by contacting the Land Use office at (203) 245-5632.

Any objection to the demolition of the above building or structure must be filed in writing on the required form with the Land Use office within forty-five (45) days of the publication of this notice in order to prevent the shortening of the waiting period established by Town Ordinance.

Dated at _____, Connecticut, this ____ day of _____, 200_.

<name>

<town>, CT

Attorney for <name>

OR

<name>

<town>, CT

signature