

CITY OF CONCORD

In the year of our Lord two thousand and one

AN ORDINANCE amending the Building Code so as to include a demolition review ordinance.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title III, Building Regulations, Chapter 26, Building Regulations, Article 26-1, Building Code, Section 26-1-11, Amendments to the BOCA National Building Code/1993, by inserting the following subsection (t):

(t) Insert in "Section 110.0 Demolition of Structures," the following new subsection 110.4:

110.4 Demolition Review. Except in the case of a hazardous building, all demolition permits shall be subject to Article 26-9 of the CODE OF ORDINANCES.

SECTION II: Amend the CODE OF ORDINANCES, Title III, Building Regulations, Chapter 26, Building Regulations, by inserting the following new article, 26-9, Demolition Review:

- 26-9-1 Definitions.
- 26-9-2 Criteria.
- 26-9-3 Procedure.
- 26-9-4 Demolition Review Committee Responsibilities.
- 26-9-5 Demolition.

26-9-1 Definitions. As used in this section, the following words or phrases shall have the meanings set forth below, except when the context in which they are used requires a different meaning.

Building: Building is defined as in the Building Code, "any structure used or intended for supporting or sheltering any use or occupancy."

Demolition Review Committee: A committee of the Concord Heritage Commission comprised of three (3) members of the commission and two (2) alternates appointed by the chair of the commission.

Demolition: The act of pulling down, destroying, removing, or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

CITY OF CONCORD

In the year of our Lord two thousand and one

AN ORDINANCE amending the Building Code so as to include a demolition review ordinance (page 2).

The City of Concord ordains as follows:

26-9-2 Criteria. Any building or part of a building in the city of Concord will fall under the terms of this ordinance where:

- (a) the proposed demolition is greater than five hundred (500) square feet of gross floor area; and
- (b) the building was constructed more than fifty (50) years before the date of application for demolition permit; **and**
- (c) the building is visible from the adjacent public right of way or public lands.

26-9-3 Procedure. When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the code administrator for a determination under this ordinance, the code administrator will determine if the building, or section of the building, meets the above criteria. If it does, the code administrator shall:

- (a) Notify the applicant in writing within five (5) business days of the filing that the demolition must be reviewed before proceeding and that the delay will not exceed forty-nine (49) days.
- (b) Within five (5) business days forward the application to each member of the Demolition Review Committee.
- (c) If the Demolition Review Committee determines the building to be potentially significant (*see* 26-9-4(a)), within five (5) business days of that decision the code administrator shall notify the applicant that a sign identifying the building as proposed for demolition and the date, time, and place of the public hearing on the proposed demolition is ready for posting in a visible location on the building. Posting of the sign within five (5) business days of receiving notification from the code administrator shall be the responsibility of the applicant. If the sign is not posted within five (5) business days, the forty-nine- (49) day time frame provided for above shall stop running and not resume until the sign is posted.

CITY OF CONCORD

In the year of our Lord two thousand and one

AN ORDINANCE amending the Building Code so as to include a demolition review ordinance (page 3).

The City of Concord ordains as follows:

26-9-4 Demolition Review Committee Responsibilities. It is the responsibility of the Demolition Review Committee to:

- (a) Make a decision within five (5) business days of receipt of the demolition application as to whether the building might be of historical or architectural significance.
- (b) Notify the code administrator in writing within two (2) business days of decision if the building is found to be not significant and demolition can proceed.
- (c) Notify the code administrator in writing within two (2) business days of decision if the building is found to be potentially historically or architecturally significant.
- (d) Establish a date and location for a public hearing to occur within twelve (12) days of determination of potential significance. A notice of public hearing shall be submitted to local newspaper within two (2) days of decision.
- (e) Hold the public hearing to hear all public testimony regarding demolition of the building. The applicant or representative of the applicant proposing the demolition shall be invited to attend the public hearing to hear the concerns or alternatives that are proposed by members of the public.
- (f) Notify the applicant and code administrator within two (2) business days following the public hearing that demolition can proceed if the building is found to be not significant
- (g) Hold a meeting between the Demolition Review Committee and the applicant (or applicant's representative) within ten (10) business days of the public hearing to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

CITY OF CONCORD

In the year of our Lord two thousand and one

AN ORDINANCE amending the Building Code so as to include a demolition review ordinance (page 4).

The City of Concord ordains as follows:

26-9-5 Demolition.

- (a) If no alternatives to demolition have been identified and agreed to by the applicant, after the meeting provided for in section 26-9-4(g), the applicant is free to proceed with demolition. Prior to demolition, and if the applicant is in agreement, the Demolition Review Committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.
- (b) Nothing in this ordinance shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the code administrator to be a public hazard and demolition is the only viable recourse.

SECTION III: Amend the CODE OF ORDINANCES, Title III, Building Regulations, Chapter 26, Building Regulations, Article 26-4, Board of Appeals, Section 26-4-6, Appeals, by inserting the following sentence at the end of the section:

This article shall not apply to Article 26-9, Demolition Review.

SECTION IV: This ordinance shall take effect upon its passage.

In City Council
April 16, 2001
Passed

Attest:

Janice Bonenfant
Acting City Clerk

In City Council
May 21, 2001
As amended

Attest:

J. Bonenfant
Acting City Clerk