

## 6-35 BUILDINGS – DEMOLITION AND DELAY OF DEMOLITION

- (a) Title and Purpose. This chapter is duly enacted by the City in order to 1) preserve and protect significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the City, 2) to limit the detrimental effect on community character and heritage that may result from the demolition of such buildings, and 3) to provide an efficient system for obtaining a demolition permit.

Under this chapter, the City shall impose a waiting period of not more than ninety (90) days before granting a permit for the demolition of any building that is designated as Significant according to the definitions in Section 2 (below).

By this chapter, City residents are alerted to the anticipated demolition of significant buildings and the owners of such buildings are encouraged to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition. To achieve this purpose, the Augusta Historic Preservation Commission is authorized to advise the local Code Enforcement Officer with respect to demolition permit applications.

- (b) Intention and Limitations. This chapter shall not apply to applications for demolition due to a threat to public health or to emergency demolition orders issued by the Code Enforcement Officer due to a threat to public safety.

This chapter shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural features; nor shall it prevent the erection, alteration or removal of any such feature which the Code Enforcement Officer certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration.

- (c) Definitions.

- (1) ABUTTER – Any property within 500 feet of the subject ~~parcel~~ property line within the State Urban Compact boundary or 1000 feet of the subject property line outside the State Urban Compact boundary.
- (2) APPLICANT – Any person or entity who files an application with the City for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner's consent or endorsement of the proposed application must be provided on the permit application.
- (3) APPLICATION – A written request to the City in an authorized format to issue a permit for the demolition of a building.

- (4) BUILDING – Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind which is 200 square feet or larger.
  - (5) COMMISSION – The Augusta Historic Preservation Commission.
  - (6) DELAY – A period of up to 90 days imposed by the City, beginning on the date of application for a demolition permit, during which the owner of a Significant property shall consider any viable alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation.
  - (7) DEMOLITION – The intentional act of substantially pulling down, destroying, dismantling, removing or razing a building, or commencing the work of a total, substantial, or partial destruction with the intent of completing the same.
  - (8) DEMOLITION PERMIT – The City permit issued by the Code Enforcement Officer authorizing the full or partial demolition of an existing building, excepting for this chapter only any permit issued solely for the demolition or removal of interior features with no effect on the exterior appearance of the building.
  - (9) POTENTIALLY SIGNIFICANT BUILDING – A building that has been determined by the Chair of the Augusta Historic Preservation Commission or designee to be 50 years old and has a reasonable likelihood of meeting the criteria to be classified as a Significant Building.
  - (10) SIGNIFICANT BUILDING – Any building within the municipal boundaries which, in whole or in part, is known or presumed to be at least fifty (50) years old and which has been determined by the Augusta Historic Preservation Commission to be significant to the community or appears on a list created by the Augusta Historic Preservation Commission and adopted by City Council. Items on the adopted list may include buildings and structures with less than 200 square feet of floor area.
- (d) Permit Required. No person, firm, corporation, or other entity shall demolish any building without obtaining a permit from the Code Enforcement Officer. In addition to a complete demolition of a building, the following actions shall require a demolition permit under this chapter:
- (1) Removal of more than 200 square feet of a larger building outside a historic district indentified in the Augusta Land Use Ordinance, as determined by the Bureau of Code Enforcement.

- (2) The lifting and relocating of a building on its existing site or to another site or new location on the same site.
- (3) Demolition of any square footage of a building within a historic district identified in the Augusta Land Use Ordinance.
- (e) Application Contents. Any person wishing to obtain a permit to demolish a building, in whole or in part, shall file an application in the office of the City Code Enforcement Officer on a form approved by the City Code Enforcement Officer. The application shall include the following:
  - (1) The common name, if any, and actual street address of the building to be demolished;
  - (2) The name, address and telephone number of the owner(s) and his/her duly appointed agent of the building to be demolished;
  - (3) The age of the building to be demolished;
  - (4) The square footage or dimensions of the building to be demolished;
  - (5) A brief description of the materials, configuration and use of the existing building;
  - (6) One or more recent photographs of the building showing at least two elevations; and
  - (7) The names and addresses of the owners of all properties within 500 feet of the subject property in the urban zoning districts and 1000 feet of the subject property in the rural zoning districts.
- (f) Procedures. All notifications to the Code Enforcement Officer shall also be provided to the Planning Board in cases where the demolition request is related to a pending Planning Board application.
  - (1) For every building that is less than 50 years old for which a demolition permit application has been filed, a permit may be issued without further determination of the building's historical significance. If the Planning Board is reviewing an application for redevelopment of the site where the demolition is to occur, a demolition permit for the site may not be issued without written authorization from the Planning Board.
  - (2) For every building that is 50 years old or older for which a demolition permit application has been filed, the following process shall apply. If the Planning Board is reviewing an application for redevelopment of the site where the

demolition is to occur, this process shall be concurrent with any Planning Board process.

- a. Within five (5) business days of receipt of the application, the Code Enforcement Officer shall forward a copy of the application to the Augusta Historic Preservation Commission.
  - b. Within fifteen (15) business days of receipt of the application, the Commission shall provide the Code Enforcement Officer and the owner/applicant with a copy of the written determination listing the reason(s) that the building is potentially significant or is not significant.
  - c. If the Commission determines that the building is not significant, or if the Commission fails to notify the Code Enforcement Officer of its determination within the allotted time, the Code Enforcement Officer may proceed with issuance of the demolition permit, unless an application related to the property is currently pending before the Planning Board. In the case of a pending Planning Board application, no permit may be issued without written authorization from the Planning Board.
  - d. If the application involves a building located on a site which is being redeveloped that does not require Planning Board review, within thirty (30) business days of receipt of the application, the Commission shall hold a public hearing to solicit public comment on any building that the Commission has determined to be potentially significant. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the City Center for a period of not less than seven (7) business days prior to the date of said hearing and abutters shall be notified by first class mail. The Commission shall also notify the Code Enforcement Officer and the owner/applicant in writing of the meeting time and place. Any interested party shall have the opportunity to speak at the public hearing, subject to normal limitations and procedures. If redevelopment requires Planning Board review, the determination of significance and demolition delay shall be decided by the Planning Board, with advice from the Commission.
  - e. Upon notification that the building is significant, the Code Enforcement Officer shall delay the issuance of a demolition permit for 90 business days from the date of application unless otherwise agreed in writing by the Commission. During that period, the Code Enforcement Officer shall not issue any permits for new construction or alterations on the subject property.
- (3) By majority vote at a duly posted meeting, the Commission may delegate to one or more members of the Commission or to a qualified City employee, the authority to make initial determinations of significance under this chapter.

- (g) Criteria for determination that a building is significant. The following criteria shall be used to determine if a building is significant:
- (1) The building is listed on the State or National Register of Historic Places, or is partially or completely within the boundaries of an area so listed; or
  - (2) The building has been determined by the State Historic Preservation Office and/or the National Park Service to be eligible for listing on the State or National Register of Historic Places; or
  - (3) The building is on a list of historic buildings adopted by the City Council.
  - (4) The building has documented associations, to the satisfaction of the Historic Preservation Commission, with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City, the state or the nation; or
  - (5) The building has documented historical or architectural importance in terms of period, style, method of construction, specific use, or association with a recognized builder or architect, either by itself or in the context of a group of buildings.
- (h) Emergency Demolition. If after a thorough inspection, the Code Enforcement Officer finds that a building subject to this chapter poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Code Enforcement Officer may issue an emergency demolition permit to the owner of the building.
- (i) Deposit. Before a permit is issued, the applicant shall deposit with the City Treasurer a sum up to ten thousand dollars (\$10,000.00) or provide an equivalent performance bond or letter of credit to ensure that the property is in a safe and proper condition after such wrecking or demolition is completed. The City Engineer shall determine if the appropriate amount of security should exceed \$10,000 and determine the appropriate amount for a security deposit to ensure that the project is in a safe and proper condition after such wrecking or demolition is completed. Such deposit shall also be used to ensure that the salvage site meets the requirements of the performance standards. The deposit is refundable as determined by the Code Enforcement Officer upon satisfactory completion and clean up of the demolition project. The amount of the deposit shall be set from time to time and a schedule of such deposits will be on file in the City Clerk's office. Proper and safe condition means that all debris is cleared away, that any excavation remaining is either filled in and tamped down, or surrounded by a chain link fence at least six (6) feet in height, if such property is not to be put in immediate use. If such property is to be used for any purpose within two (2) months of such demolition then adequate barricades, to the satisfaction of the

Code Enforcement Officer, shall be installed around the perimeter of such excavation. If the Code Enforcement Officer finds that such property and the salvage site, if applicable, has been put into the proper condition as provided for in this section, he shall instruct the City Treasurer to return the deposit. If the demolition site and the salvage site, if applicable, have not been put into proper and safe condition as provided for in this section, and in conformance with the performance standards, the city shall proceed with the work, and the cost of such work shall be deducted from the deposit; or demand on the bonding company or bank furnishing said letter of credit will be made. If any amount is left from such deposit after the city has performed the work, such balance shall be returned to the person who deposited it.

- (j) A certificate, showing that public liability insurance in the amount of three hundred thousand dollars (\$300,000.00) has been obtained by the applicant, shall accompany any such application.
- (k) Inspection of premises. Before any such permit shall be approved, the Code Enforcement Officer shall inspect the premises where the demolition work is to take place, and ascertain that provision for proper care has been made so as not to endanger any sewer or water connections or any electrical wires or installations.
- (l) Delay Period. During the demolition delay period of up to 90 days from application, the owner of a significant building shall give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation of the affected building. In order to avoid or mitigate the anticipated effects of demolition, the owner shall make a good faith effort to accommodate reasonable requests from any interested parties for information about or access to the building for the purpose of evaluating alternatives to demolition.

All approvals necessary for the issuance of such building permit, including without limitation any necessary zoning variances, planning board approvals, or special permits, must have been granted and all appeals from the granting of such approvals must have been concluded prior to the issuance of a demolition permit for a significant building under this chapter.

If no viable alternatives to demolition are identified and accepted within the demolition delay period, the Code Enforcement Officer may proceed to act on the permit application.

- (m) Period of Permit Validity. Any permit issued pursuant to this chapter shall be valid for a period of one year from the date of issuance. If the demolition contemplated by the permit has not commenced within a one year period, the owner of such building shall be required to apply for a new permit and satisfy all notification requirements of this article should the owner wish to demolish the building.

- (n) Violations and Penalties. The Code Enforcement Officer is authorized to institute any and all actions or proceedings, in law or in equity, as may be deemed necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof. The enforcement and penalties clause of the Augusta Land Use Ordinance shall apply to violations of this ordinance.

During the application processing period and during a demolition delay period, if applicable, the owner of said property shall adequately maintain and protect the building in order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect and may be subject to penalties.

- (o) Severability. In case any section, paragraph or part of this ordinance shall for any reason be declared invalid or unconstitutional by any court, every other section, paragraph and part shall remain in full force and effect.
- (p) Approval and issuance of permit. If the Code Enforcement Officer finds that the terms of this article are being complied with by the applicant, the Code Enforcement Officer shall approve the application and issue a permit for such wrecking or demolition in accordance with the following fees:

Residential properties .....No fee schedule

Commercial properties: Per square foot of total floor area \$0.02