

Procedure for the Demolition of Historically or Architecturally Significant Buildings¹

Section 1. Intent and Purpose:

This ordinance is enacted for the purpose of preserving and protecting significant buildings within the City known as the Town of Watertown, herein after known as the Town, which are outside designated local Historic Districts and to encourage owners of such buildings to seek out person who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes the Watertown Historical Commission (the “Commission”) is empowered to advise the Inspector of Buildings with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this ordinance.

Section 2. Definitions:

- 2.1 “Building” – any combination of materials forming a shelter for person, animals or property.
- 2.2 “Demolition” – any 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.
- 2.3 “Significant building” – any building or portion thereof not within an Historic District but which:
 - (a) is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register:
 - (b) is included in an Inventory prepared by the Commission, including those building listed for which complete surveys may be pending; or
 - (c) has been determined by vote of the Commission to be:
 - (I) historically or architecturally significant in terms of period, style, method of building construction or association with a famous architect or building, or
 - (II) is importantly associated with one or more historic persons or events, or is within the broad architectural, cultural, political, economic, or social history of the City or the commonwealth, or
 - (d) Which is 50 years old or older, and found to be historically significant or
 - (e) Is located within 150 feet of a federal, state or local historic district or, is listed within the state, national, or local historical register.

¹ Adopted, Ordinance—97-019, March 25, 1997

- (f) Except that, notwithstanding the foregoing, that portion of the Watertown Middle School formerly known as the Marshall-Spring School shall not be considered a significant building subject to this ordinance.

2.4 “Commission” – the Watertown Historical Commission.

Section 3. Procedure:

- 3.1 (a) For any application for a demolition permit of a significant building, the Inspector of Buildings shall forward a copy thereof to the commission within 5 business days of receipt. No demolition permit shall be issued at that time.
- (b) Application contents – Every application for a demolition permit for a building shall contain the following information:
 - (I) the applicant’s name, address and interest in the property.
 - (II) the owner’s name and address if different than the applicants.
 - (III) the address or location of the building to be demolished.
 - (IV) a brief description of the type of building and the condition requiring issuance of the permit.
 - (V) a brief description of the proposed reuse, reconstruction or replacement of the premises upon which the building is located.
- 3.2 The Commission shall within 45² days of receipt hold a hearing on any demolition permit application forwarded to it and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, and to such other persons as the Commission shall deem entitled to notice.
- 3.3 If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the town, the commission shall notify the Inspector of Buildings
- 3.4 If the Commission determines that the demolition of the significant building would be detrimental to the historical architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.
- 3.5 Upon a determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall, within thirty days of the hearing, so advise the applicant and the Inspector of Buildings by written notice, and no

² Ordinance-2004-66, Amended by deleting 30 days and inserting 45 days in place thereof. Amendment expires November 9, 2005.

demolition per may be issued until at least twelve (12)³ months after the date of such determination by the Commission.

- 3.6 Notwithstanding the preceding sentence, the Inspector of Buildings may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:
- (a) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
 - (b) the Commission is satisfied that for at least six months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building and that such efforts have been unsuccessful.

Section 4. Enforcement and Remedies:

- 4.1 The Commission and the Inspector of Buildings are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this ordinance, or to prevent a violation thereof, or to require restoration of the premises to their condition prior to the violation.
- 4.2 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this ordinance for a period of two years after the date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.
- 4.3 Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building to the satisfaction of the Inspector of Buildings. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of Section 4.2.
- 4.4 Anyone who demolishes a significant building without first obtaining and complying fully with the provisions of a demolition permit in accordance with Section three will be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

Section 5. Emergency Demolition:

Nothing in this article shall be construed to derogate the authority of the Inspector of Building derived from Chapter 143 of General Laws. However, before acting pursuant to this chapter the Inspector of Building shall make every reasonable effort to inform the

³ Ordinance-2004-66, Amended by deleting six months and inserting 12 months in place thereof. Amendment expires November 9, 2005

Chairperson of the Historical Commission of his intentions to cause demolition before he initiates the same.

Section 6. Severability:

If any, section, paragraph or part of this ordinance be for a reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.