

Westport Demolition By-Law (as amended at Town Meeting May 2, 2007)

1.0 Intent and Purpose

This By-Law is enacted for the purpose of preserving and protecting historically and/or architecturally significant buildings within the Town; to encourage owners of such significant buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the Town and to make the Town a more attractive and desirable place in which to live.

To achieve these purposes the Westport Historical Commission (the "Commission") is empowered to advise the Building Inspector 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 By-Law.

2.0 Definitions

2.1 "Building": any combination of materials forming a shelter for person, animal or property.

2.2 "Demolition": - any act of pulling down, destroying, removing or razing any building or a substantial portion thereof.

2.3 "Significant Building": - any building included on the Historical Inventory compiled by the Historical Commission. This list is kept at the office of the Westport Historical Commission.

2.4 "Preferably-Preserved Significant Building" - any significant building whose demolition has been determined by the Commission to be detrimental to this historical or architectural heritage or resources of the Town.

2.5 "Commission" - the Westport Historical Commission.

3.0 Procedure

3.1 Upon receipt of an application for a demolition permit for a significant building the Building Inspector shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time. The Commission will notify the applicant of its next scheduled meeting at which it will vote on whether to recommend issuance of a demolition permit.

3.2 The Commission shall notify the Building Inspector and the Applicant within 30 days of receipt of its copy of the application whether: a) a demolition permit may be issued by

the Building Inspector without further consultation with the Historical Commission or b) a demolition permit may be issued up to and/or after 365 days of the Commission's receipt of the application if the Commission has determined at a public hearing that the building is a Preferably Preserved Significant building; the Commission may shorten that time period if it determines that a shorter time period is appropriate, on a case by case basis, and/or take any other action relative thereto.

3.3 In the case of b) the applicant may request a hardship permit of the Building Inspector with the consent of the Commission.

3.4 Upon receiving notice that the building in question is a Preferably-Preserver Significant Building the applicant shall be encouraged to exercise continuing and bona fide efforts to locate a purchaser willing to preserve, rehabilitate or restore the building. It shall be the task of the Commission as well to assist the applicant in these efforts.

4.0 Emergency Demolition

4.1 Should a building or structure pose an imminent threat to public safety due to its deteriorated condition, the owner may request issuance of an emergency demolition permit. In this event the Building Inspector will apply to the Commission for a hardship demolition permit.

5.0 Enforcement and Remedies

5.1 None

5.2 The Commission and the Building Inspector 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 by-law, or to prevent a violation thereof.

5.3 No building permit shall be issued with respect to any premises upon which a significant building or a substantial portion thereof has been voluntarily demolished in violation of this by-law 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.