



General Assembly

January Session, 2009

Raised Bill No. 1041

LCO No. 3553

03553_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING THE DEMOLITION OF BUILDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) Any person proposing
2 to demolish any building, structure or part thereof shall submit a
3 request to the planning commission of the municipality in which such
4 building is located for a written determination, including the reasons
5 therefore, as to whether or not there are any feasible or prudent
6 alternatives to the demolition. Such request shall include an analysis of
7 (1) the embodied energy of the site and proposal, and (2) the
8 economics of retaining, rehabilitating, reusing, deconstructing and
9 recycling, or any combination thereof, compared to the required
10 energy consumption and economics of a new building or structure
11 constructed on the site over the expected life of such building or
12 structure. The commission shall provide the historic district
13 commission of the municipality, if any, with notice and an opportunity
14 to comment on the request.

15 (b) The commission shall make its written decision not more than
16 thirty days after receipt of the request.

17 (c) The provisions of section 8-7d of the general statutes shall not
18 apply to requests submitted to the planning commission under this
19 section.

20 Sec. 2. Section 29-406 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2009*):

22 (a) No person shall demolish any building, structure or part thereof
23 without obtaining a permit for the particular demolition undertaking
24 from the building official of the town, city or borough wherein such
25 building or part thereof is located. Before issuance of the permit, the
26 building official shall cause notice of the application for a permit to be
27 published in a newspaper having a general circulation in the
28 municipality at least twice at intervals of not less than seven days. No
29 person shall be eligible to receive a permit under this section unless he
30 furnishes to the building official written evidence (1) of financial
31 responsibility in the form of a certificate of insurance specifying
32 demolition purposes and providing liability coverage for bodily injury
33 of at least one hundred thousand dollars per person with an aggregate
34 of at least three hundred thousand dollars, and for property damage of
35 at least fifty thousand dollars per accident with an aggregate of at least
36 one hundred thousand dollars; each such certificate shall provide that
37 the town or city and its agents shall be saved harmless from any claim
38 or claims arising out of the negligence of the applicant or his agents or
39 employees in the course of the demolition operations; (2) in the form of
40 a certificate of notice executed by all public utilities having service
41 connections within the premises proposed to be demolished, stating
42 that such utilities have severed such connections and service; [and] (3)
43 that he is the holder of a current valid certificate of registration issued
44 under the provisions of section 29-402, except in the case of (A) a
45 person who is engaged in the disassembling, transportation and
46 reconstruction of historic buildings for historical purposes or who is
47 engaged in the demolition of farm buildings or in the renovation,
48 alteration or reconstruction of a single-family residence, or (B) an
49 owner who is engaged in the demolition of a single-family residence or

50 outbuilding, as provided in subsection (c) of section 29-402; and ~~(4) the~~
51 determination of the planning commission on feasible or prudent
52 alternatives to the demolition, pursuant to section 1 of this act. No
53 permit shall be issued under this section unless signed by the owner
54 and the demolition contractor. Each such permit shall contain a printed
55 intention on the part of the signers to comply with the provisions of
56 this part.

57 (b) In addition to the powers granted pursuant to this part, any
58 town, city or borough may, by ordinance, impose a waiting period of
59 not more than one hundred eighty days before granting any permit for
60 the demolition of any building or structure or any part thereof.

61 Sec. 3. Section 22a-19a of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2009*):

63 The provisions of sections 22a-15 to 22a-19, inclusive, shall be
64 applicable to the unreasonable destruction of historic structures and
65 landmarks of the state, which shall be those properties (1) listed or
66 under consideration for listing as individual units on the National
67 Register of Historic Places (16 USC 470a, as amended) or (2) which are
68 a part of a district listed or under consideration for listing on said
69 national register and which have been determined by the State Historic
70 Preservation Board to contribute to the historic significance of such
71 district. If the plaintiff in any such action cannot make a prima facie
72 showing that the conduct of the defendant, acting alone or in
73 combination with others, has or is likely unreasonably to destroy the
74 public trust in the preservation and conservation of such historic
75 structures or landmarks consistent with the provisions of section 16a-
76 35k, the court shall tax all costs for the action to the plaintiff.

77 Sec. 4. Subsection (e) of section 10-392 of the general statutes is
78 repealed and the following is substituted in lieu thereof (*Effective*
79 *October 1, 2009*):

80 (e) Wherever the words "State Commission on the Arts",

81 "Connecticut Historical Commission", "Office of Tourism",
 82 "Connecticut Film, Video and Media Office" and "Connecticut
 83 Commission on Arts, Tourism, Culture, History and Film" are used in
 84 the following sections of the general statutes, or in any public or
 85 special act of the 2003 or 2004 session the words "Connecticut
 86 Commission on Culture and Tourism" shall be substituted in lieu
 87 thereof: 3-110f, 3-110h, 3-110i, 4-9a, 4b-53, 4b-60, 4b-64, 4b-66a, 7-147a,
 88 7-147b, 7-147c, 7-147j, 7-147p, 7-147q, 7-147y, 8-2j, 10-382, 10-384, 10-
 89 385, 10-386, 10-387, 10-388, 10-389, 10-391, 10a-111a, 10a-112, 10a-112b,
 90 10a-112g, 11-6a, 12-376d, 13a-252, 19a-315b, 19a-315c, 22a-1d, [22a-19b,]
 91 25-102qq, 25-109q, 29-259 and 32-6a.

92 Sec. 5. Section 22a-19b of the general statutes is repealed. (*Effective*
 93 *October 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	29-406
Sec. 3	<i>October 1, 2009</i>	22a-19a
Sec. 4	<i>October 1, 2009</i>	10-392(e)
Sec. 5	<i>October 1, 2009</i>	Repealer section

Statement of Purpose:

To regulate the demolition of buildings by (1) requiring the planning commission to make a determination of no feasible or prudent alternative to the demolition, and (2) to require notice in a local newspaper of a proposal to demolish a building.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]