



City of Springfield

ADOPTED

Meeting: 12/16/13 07:00 PM

Initiator: Anthony I. Wilson

Sponsors: Melvin A. Edwards, Timothy C. Allen

DOC ID: 2429 C

The Preservation of Historically Significant Buildings

Chapter 418 - The Preservation of Historically Significant Buildings

ORD. NO. 19

AN ORDINANCE (A LOCAL LAW) TO AMEND the Code of the City of Springfield by adding chapter 418:

1. Be it ordained (enacted) by the Council of the City of Springfield, as follows:

Chapter 418 - The Preservation of Historically Significant Buildings

Section 1. Intent and Purpose

This ordinance is enacted for the purpose of preserving and protecting significant buildings within the City of Springfield which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the city and to limit the detrimental effect of demolition on the character of the city. By preserving and protecting significant buildings, streetscapes, and neighborhoods, this ordinance promotes the public welfare by making the city a more attractive and desirable place in which to live and work.

Section 2. Definitions

- i. APPLICANT-Any person or entity who files an application for a demolition permit.
- ii. APPLICATION-An application for the demolition of a building.
- iii. BUILDING-Any combination of materials forming a shelter for persons, animals, or property.
- iv. BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.
- v. COMMISSION - The Springfield Historical Commission.

- vi. DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.
- vii. DEMOLITION PERMIT - The permit issued by the Building Commissioner for a demolition of a building, excluding a permit issued solely for the demolition of the interior of a building.
- viii. PREFERABLY PRESERVED BUILDING - Any building within the City of Springfield which is one hundred years old or older, as recorded by the Assessor, or any building which is listed on, or is within a district listed on, the National Register of Historic Places.

Section 3. Procedure

- A. Within seven (7) days of receiving a demolition application, the Building Commissioner or his designee shall determine whether the building to be demolished is a Preferably Preserved Building. If the building is determined to be a Preferably Preserved Building or if the age of the building is unknown, then the Building Commissioner shall forward a copy of the application to the Commission. No demolition permit shall issue for a Preferably Preserved building for nine (9) months, following receipt of the application by the Commission.
- B. The Commission shall, within nine (9) months of receiving the application, determine whether the building should be designated a Historic District pursuant to Chapter 49 of the Revised Ordinances of the City of Springfield and Massachusetts General Laws Chapter 40C.
- C. If the Commission has not designated the building as a historic district, within nine (9) months of receiving the application, then the Building Commissioner may issue the demolition permit.
- D. This Chapter shall not apply to any building located in any area of the City designated a "Casino Overlay District" pursuant to Section 8.5 of the Springfield Zoning Ordinance and for which the State Gaming Commission has granted a license.

Section 4. Exemption

- A. The Commission may exempt any building from the provisions of this ordinance upon written request from the applicant. The request shall include (a) the address of the building to be demolished, (b) the owner's name, address and telephone

number, (c) the reason for requesting a demolition permit, (d) photograph, drawing or description of the building.

- B. An exemption from the provisions of this ordinance shall require a majority vote of the Commission.
- C. If the Commission fails to act on a request for exemption within thirty (30) days of submission to the Commission then the exemption is granted.
 - a. Nothing in this Chapter shall be deemed to inhibit the Building Commissioner's or Fire Commissioner's ability to demolish buildings under Mass. Gen. Law c. 48, Mass. Gen. Law c. 143 §§ 6-9 and the Massachusetts Building Code.
 - b. Nothing in this Chapter shall be deemed to inhibit the Law Department's ability to seek and enforce a court demolition order, provided the Law Department and/or the Office of Housing provides the Historical Commission notice upon filing a motion demolish a building and not less than sixty (60) days prior to demolition.
 - c. Nothing in this Chapter shall be deemed to inhibit the Office of Housing's ability to demolish tax-foreclosed residential structures, provided the Office of Housing provides the Historical Commission with notice at least sixty (60) days prior to demolition.

Section 5. Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

Section 6. Emergency Demolition

Nothing in this Chapter shall be deemed to inhibit the Building Commissioner's or Fire Commissioner's ability to demolish buildings under Mass. Gen. Law c. 48, Mass. Gen. Law c. 143 §§ 6-9 and the Massachusetts Building Code.

Section 7. Historic District Act

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, M.G.L. Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

Section 8. Severability

In case any section, paragraph, or part of this ordinance be, for any reason,

declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

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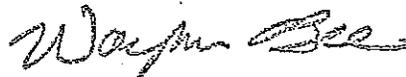
APPROVED:

DECEMBER 16, 2013

EFFECTIVE:

JANUARY 9, 2014

ATTEST:



CITY CLERK