

CITY OF WORCESTER

Building Demolition Ordinance

CITY OF WORCESTER REVISED ORDINANCES OF 2008 Ordained by the City Council June 24, 2008 As
amended through July 15, 2025

§ 13. Historic Building Demolitions 165

(a) This section thirteen is enacted to preserve and protect historically significant buildings, landmarks and places within the city and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them.

(b) The following words and phrases, when used in this section thirteen, shall have the following meanings:

building - any combination of materials forming a shelter for persons, animals or property.

commission - the Worcester Historical Commission established by section 17 of Article 3 of Part II of these Revised Ordinances.

demolition - any act of pulling down, destroying, removing or razing a building or any designated historic portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same. designated historic building - any building or portion thereof, including those within any historic district established by the city under the provisions of c. 40C of the General Laws and § 17(b) of Article 3 of Part II of these Revised Ordinances, and which is listed on, or within an area listed on, the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing on said Registers, or is listed on the National Register Eligible List established by the commission pursuant to its designation as a certified local government by the Massachusetts Historical commission.

(c) No person shall demolish any designated historic building without the approval of the commission as herein provided. The building commissioner shall not issue any permit for the demolition of any designated historic building unless the applicant for any such permit presents evidence of the approval of the commission as provided herein. The provisions of this subsection (c) shall not apply to the demolition of any designated historic building which has been approved in a Final Environmental Impact Report issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Protection Act, G.L. c.30, § 61 - § 62H.

(d) The commission shall maintain a list of every designated historic building and shall keep a copy of such list on file with the building commissioner. The commission shall notify the building commissioner whenever it makes any changes to the list of designated historic buildings in Worcester.

(e) Any person may request the commission for approval of the demolition of a designated historic building. Such requests shall be filed in accordance with the procedure established by the commission. The commission shall designate an officer responsible for the receipt of such requests who shall establish a date and time for a public hearing on the application. Such hearing shall occur not more than forty-five days from the date the application for approval has been received by the commission. The commission shall publish a notice of the hearing in a local newspaper not less than fourteen days before the date of the hearing. The commission shall send by regular mail at least fourteen days before the hearing a notice of the hearing to 166 any person whose property abuts the property of the applicant

as determined from the records of the city assessor. The commission shall also notify the building commissioner of any such hearing and shall send notice by regular mail to any person who files a written request with the commission to receive such notices.

(f) At such hearing, the commission may receive information regarding the current condition of the building, its conformity with the standards for designation as a designated historic building, the cost to repair or maintain the building, the ability of the owner to provide such funds either directly or through third party financing, the economic viability of the current or potential uses of the building, as well as any other factor relevant to the application of this ordinance to the building.

(g) If, after such hearing, the commission determines either (1) that the demolition of the designated historic building would not be detrimental to the historical or architectural heritage or resources of the city, or (2) that the issuance of a demolition approval is necessary to avoid an undue economic hardship to the property owner, the commission shall approve the request and forthwith notify the applicant and the building commissioner of such determination. Upon receipt of such notification, or upon the failure by the commission to make the determinations described herein after forty-five days from the date the application was filed with the commission, the owner may, upon receipt of a permit from the building commissioner, proceed with the demolition of the building.

(h) If, after such hearing, the commission determines both (1) that the demolition of the designated historic building would be detrimental to the historical or architectural heritage or resources of the city, and (2) that the immediate demolition of the building is not necessary to avoid an undue economic hardship to the property owner, the building may not be demolished until twelve months after the date upon which the request was filed with the commission. In notifying the property owner of its decision the commission shall specify the date upon which the twelve-month delay period expires. The twelve-month delay period established herein may be reduced at any time by the commission whenever it 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. During the twelve-month delay period, the commission shall assist the owner in efforts to locate a purchaser to preserve, rehabilitate and restore the subject building.

(i) The approval of the commission, whether granted directly by vote of the commission or constructively by the passage of the forty-five day or twelve-month periods established herein, shall be valid for one year from the date of such approval.

(j) The commission is authorized to institute any and all proceedings in law or equity as it deems necessary and appropriate to obtain compliance with the requirements of this section, or to prevent violation thereof. The city solicitor shall represent the commission in all such proceedings.

(k) Any person who, without the actual or constructive approval of the commission as required by this section, demolishes or attempts to demolish any designated historic building, either as the owner of the building or acting as an agent or independent contractor engaged under authority of the owner, shall be punished by a fine of \$300.00. Each day that any portion of a designated historic building remains demolished, in whole or in part, shall constitute a separate offense.

(l) The provisions of subsection (c) of this section shall not apply if such building is the subject of an emergency order issued under authority of G.L. c. 143, §§ 6-9, or § 124 of the state building code, or an Executive Order Concerning Demolition Procedures, as issued and revised from time to time by the city manager. The provisions of subsection (c) of this section shall also not apply whenever, in the opinion of the building commissioner, the condition of any designated historic building requires immediate emergency action to abate a threat to the health or safety of the public. Nor shall the provisions of said subsection (c) apply to the demolition of a designated historic building located on any priority development site designated by the city council pursuant to G.L. c. 43D.