



CITY OF LYNN

IN COUNCIL JULY 14, 1998

**AN ORDINANCE GRANTING THE LYNN HISTORICAL COMMISSION
THE RIGHT TO DETERMINE ANY HISTORICAL OR ARCHITECTURAL
VALUE CERTAIN BUILDINGS MAY HAVE PRIOR TO A DEMOLITION
PERMIT**

Be it ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:-

SECTION 1:00 PURPOSE

The purpose of this ordinance is to apprise the Lynn Historical Commission (LHC) of a building owner's intent to demolish or significantly alter certain buildings, as hereinafter described, so that the LHC may determine what, if any, historical or architectural value the building may have, for the purpose of determining preservation solutions.

This ordinance shall only apply to any building or structure listed in the latest edition of The City of Lynn Historic Structure Inventory hereinafter referred to as "Inventory".

SECTION 2:00 DEFINITIONS

- a) "Building" shall mean any structure as described and or listed in heretofore mentioned inventory.
- b) "Demolition Permits" refers to a permit granted by the Building Commissioner to raze all or part of a structure.
- c) "Lynn Historical Commission" shall mean a municipal body appointed by the Mayor to review properties for possible inclusion on the National Register of Historic Places. This group shall hereinafter be referred to a LHC.
- d) "Significant Alterations" shall mean any alteration, for which a permit is required, to the exterior of a building such that the appearance of said building is changed.

SECTION 3:00 PROCEDURES

- a) No demolition permit shall be issued which is not in compliance with this ordinance.



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b) An application for a demolition permit shall include the year the building was built if such date is able to be determined.

(c) The Building Department shall notify the LHC upon receipt of a Demolition Permit application for a building or structure on the Inventory for LHC review. If the LHC review reveals potential architectural and/or Historic value, a public hearing shall be held within 30 (thirty) days. The date of the hearing shall be published one (1) week prior in the Daily Evening Item.

d) A final determination of whether or not a building should be preserved shall be made within ninety days after the public hearing. This determination shall be made in writing to the owner of the building in question. The demolition delay shall expire thirty days after written notification. The building commissioner shall be made aware of the expiration date.

(e) If at any stage of the determination process LHC does not meet its timetable, the Building Commissioner may issue a demolition or alteration permit without the consent of the LHC.

SECTION 4:00 RESPONSIBILITY OF OWNER

The owner of the property being evaluated shall assist the LHC by providing requested information on the building, and negotiating possible alternatives and compromises.

SECTION 5:00 EXCEPTIONS

- a) Any structure determined a nuisance and ordered demolished by the Lynn City Council under the provisions of Massachusetts General Laws Chapter 139.
- b) Any structure for which a duly convened Board of Survey was held and ordered demolished in accordance with the provisions of the Commonwealth of Massachusetts State Building Code and/or Massachusetts General Laws Chapter 143.
- c) Any structure ordered demolished under the provisions of the Commonwealth of Massachusetts Regulations (CMR) 780, State Building Code
- d) If bona fide efforts by LHC and the building owner are unsuccessful, a written notification shall be made by LHC to the Building Commissioner to issue a demolition permit.

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SECTION 6:00 ENFORCEMENT AND REMEDIES

If a building shall be demolished without having complied with the terms of this ordinance, the owner shall be cited in accordance with provisions of the Commonwealth of Massachusetts State Building Code.

SECTION 7:00 HISTORIC DISTRICTS ACT

If any portion of this ordinance is in conflict with the Historic Districts Act, the Historic Districts Act shall prevail.

SECTION 8:00 SEVERABILITY

If any section of this ordinance should be judicially declared invalid, all other sections of this ordinance shall remain in full force and effect.

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SECTION 9:00 EFFECTIVE DATE

This Ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.