

FROM THE OFFICE OF
ELLA T. GRASSO, SECRETARY OF THE STATE
HARTFORD, CONNECTICUT

Substitute for House Bill No. 2271

Public Act No. 430

AN ACT CONCERNING THE ESTABLISHMENT
OF HISTORIC DISTRICTS.

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

Section 1. Any municipality may by vote of its legislative body establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings, places and districts of historic interest by the maintenance of such as landmarks in the history of architecture, ^{of the municipality} of the state of the nation, and through the development of appropriate settings for such buildings, places and districts. The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this act.

Sec. 2. Prior to the establishment of an historic district or districts, the following steps shall be taken:

(a) The legislative body shall appoint an historic district study committee for the purpose of making an investigation of a proposed historic district. Each historic district study committee established under the provisions of this act shall consist of five members who shall be electors of the municipality holding no salaried municipal office.

(b) The historic district study committee shall investigate and report on the historic significance of the buildings, structures, features, places or surroundings to be included in a proposed historic district or districts and designate the area to be included therein.

(c) The historic district study committee shall transmit copies of its report to the Connecticut historical commission, the planning commission and zoning commission of the municipality, if any, and in the absence of such a planning commission or zoning commission, to the selectmen or to the warden and burgesses, or to the chief executive officer of the municipality for their consideration and recommendations, and each such body or individual shall give their recommendations to the historic district study committee within sixty days from the date of receipt of such report. Such recommendations shall be read in full at the public hearing to be held by the historic district study committee as hereinafter specified. Failure to make recommendations within sixty days after the date of such receipt shall be taken as approval of the report of the historic district study committee.

(d) The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than ninety days nor

more than one hundred twenty days after the transmission of its report as provided in subsection (c) of this section.

(e) Notice of the time and place of said hearing shall be given as follows: (1) Written notice, postage prepaid, shall be given to the owners of record of all real property to be included in the proposed historic district or districts, as they appear on the last completed grand list, at the addresses shown thereon, at least twenty days before the time set for said hearing; and (2) by publication of said notice in the form of legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than five days, the first not more than twenty days nor less than ten days, and the last, not less than two days before such hearing.

(f) The historic district study committee shall submit a final report to the legislative body of the municipality within sixty days after the public hearing. The report of the committee shall contain the following: (1) A complete description of the area to be included within the proposed historic district or districts; (2) a map showing the exact boundaries of the area to be included within the proposed historic district or districts; (3) a proposed ordinance designed to implement the provisions of this act; (4) such other matters as the committee may deem necessary and advisable.

(g) The legislative body after reviewing the report of the historic district study committee shall take one of the following steps: (1) Reject the report of the committee stating its reasons therefor; (2) accept the report of the committee and enact an ordinance to carry out the provisions of this act; (3) return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee and a further report to the legislative body within ninety days of such return.

(h) The historic district commission established under section 3 of this act may from time to time by following the procedure set out in subsections (b) to (f), inclusive, of this section, suggest proposed amendments to any ordinance adopted hereunder or suggest additional ordinances to be adopted hereunder.

Sec. 3. Once an historic district has been established in a municipality, the historic district study committee shall cease to exist and thereafter an historic district commission shall perform all the functions of the historic district study committee relative to establishing new districts and otherwise administering the provisions of this act. The historic district commission established under the provisions of this act shall consist of five members who shall be electors of such municipality holding no salaried municipal office and whose terms of office and method of appointment shall be fixed by ordinance. The appointments to membership in the commission shall be so arranged that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years. The commission shall elect annually a chairman, a vice-chairman and a clerk from its

own number. Ordinances adopted hereunder may provide for the appointment in like manner of alternate members not exceeding in number the principal members. In case of the inability to act, because of the absence, sickness or self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. All members shall serve without compensation. The commission shall adopt rules of procedure not inconsistent with the provisions of this act, and may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money gifts and expend the same for such purposes.

Sec. 4. No building or structure including stone walls, fences, signs, light fixtures, steps and paving or other appurtenant fixtures shall be erected, altered, restored, moved or demolished within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the commission and approved by said commission. For the purposes of this act "exterior architectural features" shall include the architectural style, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such commission.

Sec. 5. In its deliberations under this act, the commission shall not consider interior arrangement or use and shall take no action under this act except for the purpose of preventing the erection, reconstruction, restoration, alteration or razing of buildings in the historic district obviously incongruous with the historic aspects of the district.

Sec. 6. Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the historic district which does not involve a change of design, material or the outward appearance thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the building inspector or a similar agent shall certify is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such district.

Sec. 7. The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of the time and place of said hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least seven days before such hearing. Within not more than sixty days after the filing of an application as required by section 4 of this act, the commission shall pass upon such application and shall give written notice of its decision to the applicant. Evidence of approval, as referred to in section 4 of this act, shall be by certificate of appropriateness issued by

the commission. Failure of the commission to act within said sixty days shall constitute approval and no other evidence of approval shall be needed. The commission shall keep a record of all applications for certificates of appropriateness and of all its doings under this act.

Sec. 8. If the commission determines that the proposed erection, construction, restoration, alteration or razing will be appropriate, it shall issue a certificate of appropriateness. In passing upon appropriateness the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. A certificate of appropriateness may be refused for any building or structure, the erection, reconstruction, restoration, alteration or razing of which, in the opinion of the commission, would be detrimental to the interest of the historic district.

Sec. 9. Where, by reason of topographical conditions, district borderline situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provision of this act would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to this act, or to interpret the meaning of this act so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of this act so that the general character of the district shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment better fulfill the purposes of this act.

Sec. 10. If any action or ruling taken by the commission pursuant to the provisions of this act or of any by-law or ordinance adopted hereunder has been violated, the commission may, in addition to other remedies, institute an action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, razing, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Regulations and orders of the commission issued pursuant to this act or to any by-law or ordinance adopted hereunder, shall be enforced by the zoning enforcement official or building inspector or by such other person as may be designated by vote of the legislative body, who may be authorized to inspect and examine any building, structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of this act or of any by-law or ordinance adopted hereunder. The

owner or agent of any building or premises where a violation of any provision of this act or of any by-law or ordinance adopted hereunder has been committed or exist, or where the lessee or tenant of an entire building or entire premises where such violation has been committed or exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exist, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but, if the offense is wilful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues, and the circuit court wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense.

Sec. 11. Any person or persons severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within fifteen days from the date when such decision was rendered, take an appeal to the court of common pleas of the county in which such municipality is located, which appeal shall be made returnable to such court in the same manner as that prescribed for civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the commission within twelve days before the return day to which such appeal shall have been taken. Procedure upon such appeal shall be the same as that defined in section 8-8 of the 1959 supplement to the general statutes.

Sec. 12. The provisions of this act shall in no way impair the validity of any historic district previously established under any special act.

Approved June 14, 1961.