

ORDINANCE # 5 of 2023

**AN ORDINANCE TO CREATE CHAPTER 94
OF THE CITY OF ONEONTA MUNICIPAL CODE
ENTITLED “Buildings, Demolition”**

BE IT ORDAINED by the Common Council of the City of Oneonta as follows:

Section 1. Chapter § 94 of the City of Oneonta Municipal Code entitled “Buildings, Demolition” is established and shall read as follows:

§ 94-1 Purpose.

These regulations shall control all matters concerning the demolition of all buildings, structures, and parts thereof. Additionally, they aim to ensure public safety, health, and welfare insofar as they are affected by building demolition, and in general, to secure safety to life and property from all hazards incident to the removal or demolition of buildings, structures, or premises.

§ 94-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Demolition: The intentional act of substantially pulling down, destroying, defacing, removing, or razing a building or structure, or commencing the work of total, substantial, or partial destruction with the intent of completing the same.

§ 94-3 Permits Required.

A permit application and construction documents shall be submitted for each structure to be demolished. It shall be unlawful to engage in any demolition without first applying for and being issued a demolition permit from the City of Oneonta Code Enforcement Office. In addition to complete demolition of a building or structure, the following actions shall require a demolition permit:

- A. Removal of a roof for the purpose of raising the overall height of a roof; rebuilding the roof to a different pitch; or adding another story to a building.
- B. Removal of one or more exterior wall(s) or partition(s) of a building.
- C. Gutting of a building's interior to the point where exterior features (windows, etc.) are impacted or where changes are made to the structure's floorplan.
- D. Removal of more than twenty-five (25) percent of a structure's overall gross square footage as determined by records on file with the City of Oneonta Code Office.
- E. The lifting and relocating of a building on its existing site or to another site.
- F. Altering a building's key-character defining features, making it ineligible to be listed on the National Register of Historic Places.
- G. Removal of porches, vestibules, porticos, or other exterior ancillary architectural elements or structures.

§ 94-4 Permit Exceptions.

A permit shall not be required for the demolition of a structure that is 144 square feet or less. This exception shall not include structures or buildings listed on the National Register of Historic Places or structures or buildings located within a designated national or local historic district.

§ 94-5 Historic Structures.

Any application for a demolition permit within a local historic district shall comply with the requirements found in Chapter 160 Historic Preservation of the City of Oneonta Municipal Code.

§ 94-6 Site Plan Review Required.

Any structure that exceeds 200 square feet shall require a site plan review by the City of Oneonta Planning Commission before a demolition permit may be issued by the Code Enforcement Office. This shall not include

the demolition of structures that have been declared unsafe and ordered demolished by the Board of Public Service.

§ 94-7 Standards for Site Plan Review.

The Planning Commission shall provide a written determination before the approval of a site plan review associated with any demolition. In their review, the Planning Commission shall consider the following criteria:

- A. Will the demolition negatively impact housing availability within the City of Oneonta?
- B. Will the demolition negatively impact the character of the neighborhood or result in the loss of a structure or part thereof that is of particular architectural significance?
- C. Does the applicant have an approved restoration plan in place?
- D. Does the demolition meet the planning goals outlined in the City of Oneonta Comprehensive Plan and the City of Oneonta Municipal Code?

§ 94-8 Application Submittals.

The application for a demolition permit shall be accompanied by a site plan showing to scale the size and location of all existing structures and construction that is to remain on the site. The site plan shall show distances from lot lines, the established street grades, the proposed finished grades, and the final landscape plan following any demolition.

§ 94-9 Additional Submittals.

An application for the demolition of porches, vestibules, porticos, or other exterior ancillary architectural elements, or the alteration of a building's key-character defining features that would make it ineligible to be listed on the National Register of Historic Places, shall require a restoration plan before a demolition permit is approved. The restoration plan shall include a detailed proposal for the repair, restoration, or in-kind replacement of any of the above-referenced elements or structures. Any restoration plan shall mirror the existing architectural elements in size, scale, massing, architectural style, detail, location, and, when feasible, material. Without an approved restoration plan, a demolition permit shall not be issued by the Code Enforcement Office. In addition to any other applicable penalties, if demolition is performed without a permit, a restoration plan shall be submitted which shall include the correction of any damaged architectural elements, structures, or features as described in this section.

§ 94-10 Asbestos.

The New York State Department of Labor Code Rule 56 requires a pre-demolition survey of buildings to identify any asbestos that may be present. It shall be the duty of the owner of the building or structure to ensure compliance with all regulations relating to the disposal and handling of asbestos material.

§ 94-11 During Demolition.

The performance or engagement in construction or repair work after 9:00 p.m. or before 7:00 a.m., excepting emergency work and including but not limited to building, excavation, site preparation, hoisting, grading, demolishing, dredging or pneumatic hammering, where the standards for determination so dictate or in such a manner that a reasonable person of normal sensitiveness in the area is caused discomfort or annoyance. Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades, and the erection of the necessary retaining walls and fences in accordance with the provisions of all applicable state and local laws or ordinances.

§ 94-12 Barriers.

Every excavation or area of construction on a site located 5 feet or less from the street or lot line shall be enclosed with a barrier to prevent the entry of unauthorized persons. Where located more than 5 feet from the street or lot line, a barrier shall be erected where required by the code official or the Board of Public Service.

§ 94-13 Waste Material Removal.

All waste materials shall be removed in a manner that prevents injury or damage to persons, adjoining properties, and public rights-of-way.

§ 94-14 Fire Safety.

All buildings under demolition shall be provided with a portable fire extinguisher in accordance with the NYS Uniform Fire Prevention and Building Code and the City of Oneonta Municipal Code.

§ 94-15 Public Works Approval.

Wherever the ground is excavated under the sidewalk or encroaches onto a public right of way, the Director of Public Works or their designee shall also be required to approve, deny, or approve with modifications a demolition permit.

§ 94-16 Storage of Materials.

Construction materials, debris, waste, and equipment shall not be stored on the street without approval by the Director of Public Works or their designee. Where so stored, such materials or equipment shall not unduly interfere with vehicular traffic or the orderly travel of pedestrians on the street or sidewalk. Construction materials, debris, waste, and equipment shall be arranged to maintain a safe walkway not less than 4 feet wide, unobstructed for its full length, and open for public use at all necessary times.

§ 94-17 Demolition Method.

Material shall not be dropped by gravity or thrown outside the exterior walls of a building during demolition. Wood or metal chutes shall be provided for the removal of such materials. Where the removal of any material will cause an excessive amount of dust, such material shall be wet down to prevent the creation of a nuisance.

Section 2. This ordinance shall become effective immediately upon passage and filing with the City Clerk.

LAID TO COMMON COUNCIL:

July 3, 2023

APPROVED BY THE COMMON COUNCIL:

July 18, 2023

PUBLIC HEARING HELD:

August 1, 2023

SIGNED BY THE MAYOR:

August 2, 2023



Mayor Mark Drnek

