



**CITY OF MALDEN  
MASSACHUSETTS  
In City Council**

**PAPER # 79-22**

**ORDINANCE**

**Order: Be it hereby Ordained by the Malden City Council that Sections 4.24.050, 4.24.070, 4.24.080, 4.24.110, 4.24.120 and 4.24.180 of the Delay Before Demolition or Alteration Ordinance of Title 4.24, Code of the City of Malden, Chapter 4, of the City's Revised Ordinances of 2020 be amended as follows: (See attached).**

  
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**Council President Craig Spadafora**

  
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**Mayor Gary J. Christenson**



Malden, Massachusetts

Date: April 4, 2022

His Honor the Mayor has approved Paper # 79 of 2022

Below is a true attest copy of same:

Be it hereby Ordained by the City Council that the Code of the City of Malden Title 4, Chapter 24, Sections 050, 070, 080, 110, 120, and 180 of the Delay Before Demolition or Alteration Ordinance be amended as follows:

Proposed Revisions

1. Section 4.24.050. Application and Required Documentation:  
Add the following (new) provisions:  
(I) Electronic version of the complete Application (must be filed electronically on the City's on-line permitting system).  
(J) Seven (7) copies of the complete Application.  
(k) Application fee: \$150.00. Single and two-family dwellings are exempt.
2. Section 4.24.070. Written Determination of Significance  
Revise all references in (A) and (B): "seven (7) calendar days" to "fourteen (14) calendar days"
3. Section 4.24.080 Criteria for Determination of Significance Delete  
Subsections A, B, C and D.
4. Section 4.24.110. Determination Whether a Building is a Preferably Preserved Building  
A. Application and Required Documentation: Add: Application fee: \$300.00  
E. Notification to Building Commissioner that Building is Preferably Preserved: Change "twelve (12) months" to "fifteen (15) months"  
Add new subsection "D" and renumber subsequent sections accordingly:  
Add D. The Commission shall consider the following criteria to determine whether a Building is a Preferably Preserved Building:
  - i. The building is listed on, or is within an area listed on, the National Register of Historic Places.
  - ii. The building has been found eligible for listing on the National Register of Historic Places.
  - iii. The building is historically or architecturally important, in terms of period, style, method of building construction or association with a recognized architect or builder, either by itself or in the context of a group of buildings.
  - iv. The building is importantly associated with one or more historic persons or events or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth and its demolition or alteration would be to the detriment of the public interest.

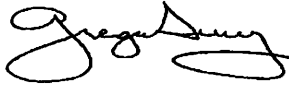
- v. The building is listed on the List of Significant Buildings as identified for future survey and inventory, as provided by this Ordinance.
  - vi. The building is one whose loss or alteration would have a significant negative impact on the historical or architectural integrity or urban design character of the neighborhood.
  - vii. The building is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
  - viii. Retention of the Building would help preserve and protect an historic place or area of historic interest in the city.
  - ix. It is in the public interest to preserve the building, rather than to demolish or alter it.
5. Section 4.24.120. Upon Determination that a Building is a Preferably Preserved Building
- A. No Demolition Permit and No Permit for Alteration: Change “twelve (12) months” to “fifteen (15) months”
  - B. No permit for new construction or alteration: Change “twelve (12) months” to “fifteen (15) months”
- Add the following (new) provision:
- C. During the period of fifteen (15) months from the date of the determination, unless otherwise agreed to by the Commission, the Applicant shall:
    - i. Recognize that time is of the essence and work diligently toward any and all recommendations made in the determination.
    - ii. Provide the Commission with at least one written progress update per month and attend at least one meeting of the Commission per month to supplement and answer any questions about the progress update.
    - iii. For at least six (6) months, make continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the building, and provide documentation of these efforts.
    - iv. Develop at least two reasonable alternatives to the demolition or alteration, which shall be presented to the Commission and shall include renderings, concept plans and estimated budgets, and which may include preservation, restoration, repair, rehabilitation and/or replication, in whole or in part of the building or historical features of the building or property.
    - v. Regarding any application for a building permit filed or to be filed, revise and/or file plans and specifications with Building Commissioner, that incorporate recommendations of the Commission regarding the preservation of the Building, including, but not limited to, the rehabilitation, restoration, replication and/or reuse, in whole or in part, of the Building, or any historical features or elements of the property, the façade and the exterior of the building.
6. Section 4.24.180. Enforcement and Remedies
- Add the following (new) provision:
- C. The penalty for violating the provisions of this ordinance shall be no more than three hundred dollars (\$300.00) per day per violation, paid to the City of Malden

**Paper # 79 of 2022, of which the above is a true copy**

**Ordained, March 29, by the City Council, by yea (10) and nay (0) vote, the City Council consisting of eleven members at their March 29, 2022 meeting.**

**Approved, April 4, 2022 by His Honor, Mayor Gary J. Christenson**

**Attest:**

A handwritten signature in black ink, appearing to read "Gregory". The signature is written in a cursive style with a large, looping initial "G".

**City Clerk**