

## CITY OF TEA

### ORDINANCE 155

#### AN ORDINANCE TO REGULATE THE MOVING OF HOUSES WITHIN THE CORPORATE LIMITS OF THE CITY OF TEA

##### **Section 1: DEFINITIONS:**

As used in this Ordinance, the following definitions shall apply:

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy which, when loaded on any carrier of any kind, has a loaded height exceeding thirteen feet (13') and a loaded width exceeding twelve feet (12').

**BUILDING OFFICIAL:** The official designated by the City Council to enforce this Chapter.

##### **Section 2: BUILDING MOVER'S LICENSE:**

Before engaging in the operation of moving buildings, every person shall obtain a license therefore. Such persons shall pay a license fee as set by resolution of the City Council. Upon payment of a license fee, the Building Official shall issue such license as is covered by the fee.

##### **Section 3: PERMIT REQUIREMENTS:**

A. Permit Required: No licensee under this Ordinance shall move or prepare for moving any building over, along or across any public highway, street, alley or other public place in the City without first obtaining a permit from the Building Official.

B. Application for Permit:

1. A person seeking issuance of a permit shall file an application for such permit with the Building Official upon forms provided by the Building Official.

2. The application shall set forth:

a. A description of the building proposed to be moved, giving street address, construction materials and dimensions.

b. The public highways, streets, alleys or other public places over, along or across which the building is proposed to be moved.

c. A description of the location and destination, including street address, to which the building is proposed to be moved.

d. The moving date and hours.

- e. Any additional information that the City shall find necessary to a fair determination of whether a permit should be issued.
- C. Fee: The application for a permit shall be accompanied by a fee as set by resolution of the City Council.
- D. Building Permit Prerequisite to Issuance; Time Limit on Permanent Installation:
1. No permit for moving a building to a lot in the City shall be granted by the Building Official if a building permit has not been issued for such building on such lot.
  2. No building shall be moved to a lot in the City for the purpose of storing such building on the lot. A building moved to a lot shall be permanently installed on its new foundation within sixty (60) calendar days of the date moved onto the lot.
- E. Standards for Issuance of Permit: The City shall refuse to issue a permit required by this Ordinance if:
1. Any application requirements or any fee or deposit requirement has not been complied with.
  2. The building is in such a state of deterioration or disrepair or otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City.
  3. The building in its new location would not comply with the Building Code, Electrical Code, Plumbing Code, Zoning Ordinance, or other ordinances in effect at the time of the application in the governmental jurisdiction where the building is to be located, all as amended. This subsection shall not be construed to prohibit the moving of a building for which an applicant has obtained a building permit which provides for construction or alterations to the building which will bring it to Code standards.
  4. For any other reasons, persons or property in the City would be endangered by the moving of the building.
- F. Issuance of Permit: No permit shall be issued until forty eight (48) hours after the time of filing of the completed application, and all fees, deposits and certificates or certificates of insurance are completed. This time period shall not commence running until filing of all information, fees, deposits and certificates of insurance set forth in this Ordinance are on file with the City.
- G. Expiration Of Permit: Any permit granted under this Ordinance shall expire if the move is not commenced on the moving date set forth in the application.

#### **Section 4: LIMITATIONS ON BUILDINGS TO BE MOVED:**

- A. No building shall be prepared for a move or shall be moved upon or through the streets of the City if the building exceeds thirty four feet (34'), loaded width, including overhang, or which exceeds thirty feet (30') loaded height. Said size limitations may be waived by the Building

Official, if in the opinion of the Building Official, the oversized building may be safely moved on the proposed route without danger to property or public improvements.

- B. No building shall be moved upon or through the streets of the City to a lot in the City if the value of such building before moving is less than sixty percent (60%) of the value of a new building of the same type.
- C. No building shall be moved in or through the streets of the City to a lot in the City if such building is in such deteriorated condition that, in the opinion of the Building Official, it is unsafe and constitutes a safety hazard.

### **Section 5: BUILDING PERMIT PREREQUISITE TO MOVING BUILDING:**

No person shall prepare any building for a move nor move any building to any lot within the City unless said person shall have first obtained a building permit for such building on such lot.

### **Section 6: DEPOSIT AND INSURANCE REQUIREMENTS:**

- A. Deposit: Upon receipt of an application for a permit under Section 3 of this Ordinance, it shall be the duty of the applicant to procure from all appropriate City departments or other governmental bodies, and the utility companies involved, an estimate of the expense that will be incurred in removing, trimming, cutting or replacing any property on the route of the move, including trees on public property above the height of thirteen feet (13'), by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements and expenses of City personnel and the utility companies occasioned by the moving. Prior to the issuance of the permit, the applicant shall deposit with the City Finance Officer a sum of money equal to twice the amount of these estimated City-related expenses. Such deposit shall be in cash or by certified check, cashier's check or such other form as the City Finance Officer may require.
- B. Insurance: Any person filing an application for a permit under Section 3 of this Ordinance shall file with the Building Official a liability certificate of insurance issued by an insurance company authorized to do business in South Dakota, protecting the applicant and the City and its officials, providing for coverage as established by the Finance Department. The insurance coverage may be a blanket insurance policy covering any building moving by the applicant. Such insurance shall inure to the benefit of the City, and the City shall be named insured herein for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, nonfeasance or negligence on the part of the mover in connection with any of the activities or conditions of the permit.

### **Section 7: DISPOSITION OF FEES AND DEPOSITS:**

- A. Receipt Of Deposits And Fees: The City Finance Officer shall receive all fees and deposits required by this Ordinance.

- B. Return Upon Non-issuances: Upon refusal to issue or non-issuance of a permit, the Building Official shall inform the City Finance Officer who, after being so informed, shall return all deposits to the applicant. Permit fees filed with the application shall not be returned.
- C. Return Upon Allowance For Expense: After the building has been moved, the Building Official shall prepare a written statement of all expenses incurred in removing, trimming, cutting or replacing all public property and of all material used in the making of the removal and the replacement together with a statement of all damages and costs caused to or inflicted upon the City. Upon receipt of the Building Official's statement, the City Finance Officer shall return to the applicant all deposits after deducting a sum sufficient to pay for all of the costs, damages and expenses incurred by the City by reason of the removal of the building. Permit fees filed with the application shall not be returned.

### **Section 8: BUILDING MOVING OPERATIONS:**

- A. Designation Of Route: In conjunction with the application for a permit under Section 3 of this Ordinance, the applicant shall develop and submit a list of designated streets over which a building is proposed to be moved, which list must be approved, in writing, by the Building Official, or designee and Chief of Police. In making their determinations, said officials shall act to assure reasonable safety to persons and property in the City, including trees on public property, and to minimize congestion and traffic hazards on public streets.
- B. Time Of Moves: The time of all moves must be approved in advance by the Building Official and recorded on the permit. Generally, all building moves may not commence from private property and enter public property before nine o'clock (9:00) A.M. and must be completed and placed on the designated site off of public property or streets by four o'clock (4:00) P.M. of the same day; or may not commence before seven o'clock (7:00) P.M. and must be completed by six o'clock (6:00) A.M. the following day. The Building Official may make exceptions, for good cause, as to the time of move.
- C. Nighttime Moving; Lighting Requirements: Building moves during the nighttime, including one hour or sooner before sunrise and one hour or later before sunset, must be floodlighted such that the structure being moved is illuminated sufficiently to permit ready visibility of the top and side clearance of the structure and any obstruction that may be in the path of travel. The Building Official shall approve all lighting in advance of any move.
- D. Parking Prohibited on Streets: Parking shall be prohibited on streets included in the routing for the moving of a building. At least forty eight (48) hours in advance of the time of the moving, the permittee shall post signs provided by the City, designating the area as a no-parking area. The Building Official shall ensure that such signs are posted by the permittee in a timely manner. Such signs shall be removed by the City after the move is completed. If any vehicle is parked illegally in violation of the provisions of this subsection, the permittee shall be responsible for the expenses of towing the vehicle away but may recover said expenses from the violator. The permittee shall assume all risk of damage to any vehicle either towed away or parked in such route.
- E. Storage on Public Property Restricted: No building being moved pursuant to this Ordinance shall be stored on any public street, highway, place, alley, park, square, plaza, any City-owned right of way or any other public property owned or controlled by the City.

## **Section 9: DUTIES OF PERMITTEE:**

Every permittee under Section 3 of this Ordinance shall:

- A. Move a building only over streets designated for such use in the approved, written permit.
- B. Conduct the move on the date and time stated on the approved permit. Failure to move on the date and time shall require the applicant to reapply for a moving permit and receive new signatures of approval as required in subsection 8A of this Ordinance.
- C. Notify the Building Official, in writing, of any and all damage done to public or private property within twenty four (24) hours after the damage or injury has occurred.
- D. Comply with the Building Code, the Electrical Code, the Plumbing Code, the Zoning Ordinance all other applicable codes and ordinances, as amended.
- E. Pay the cost and expenses of the City occasioned by the movement of the building.
- F. Remove all debris and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition within ten (10) calendar days of the moving date. The old basement or any excavation on the original site shall be fenced in immediately upon removal of the building and shall remain fenced until the excavation can be filled.
- G. Plug the sanitary sewer line with a concrete stopper unless otherwise directed by the City. The plugged sanitary sewer line shall be inspected by the City before backfilling. The permittee shall arrange to have the water shut off at the property line and the meter returned to the City. The permittee shall notify all utilities, including the City, to disconnect all services at least forty eight (48) hours in advance of said moving.
- H. Notify telephone, electric and gas company, railroad companies, cable television and any other utility at least forty eight (48) hours in advance of the moving of any building that will interfere with the pole, wires, conduit, cables or other property of the utility, specifying in such notice the highest part of the building above the surface of the street and the proposed route and time of moving. The utility shall furnish, at the expense of the permittee, a competent person to superintend the removal and replacement of such wires, poles, conduit, cables and other property. The permittee shall, at its own expense, furnish all the labor, materials and equipment necessary and shall remove and replace the property as directed by the appropriate utility company. Only authorized personnel of the utility company shall remove or replace any wires, poles, conduit, cables and other property.

## **Section 10: ENFORCEMENT:**

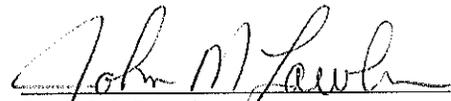
A. Enforcing Officers:

1. The Building Official and the Police Department and any other appropriate City officers or employees shall enforce and carry out the requirements of this Ordinance. Once the structure to be moved has reached public property, the Police Department and, specifically, the officer assigned to provide escort to the move shall be the enforcement officer of the building move.

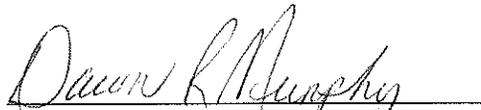
2. The Building Official shall assume enforcement responsibilities when the building is being prepared for the move, while the move is in progress on the original site and at such time when the structure being moved leaves public property and is being placed upon a lot within Tea as set forth in the moving permit.

B. Liability of Permittee for Expenses: The permittee shall be liable for any expense, damages or costs in excess of deposited amount or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such amounts, if appropriate.

C. Original Premises Left Unsafe: The City shall proceed to do any work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this Chapter, and the costs thereof shall be charged against the permittee's deposit.

  
John M. Lawler, Mayor

ATTEST:

  
Dawn R. Murphy, Finance Officer

First Reading: February 2, 2004

Second Reading: March 1, 2004

Publication Date: March 17, 2004

Effective Date (20 days after last publication): April 6, 2004