

Article 2. Relocation of Buildings

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Sec. 16-2.1 Applicability.

The provisions of Chapter 18, ROH 1990, as amended, to the contrary notwithstanding, no person shall move or cause to be moved any building or structure into or within the city without complying with the provisions of this article and all other applicable provisions of Chapter 16, ROH 1990, as amended; Chapter 17, ROH 1990, as amended; and Chapter 19, ROH 1990, as amended; provided, however, any movement of a building or structure which is confined within the boundaries of a single lot shall not be subject to this article, but shall be subject to Chapter 18, ROH 1990 and all other applicable provisions of the Uniform Building Code as amended by Section 16-1.1, ROH 1990, as amended; Electrical Code, Chapter 17, ROH 1990, as amended; and the Uniform Plumbing Code, as amended by Section 19-1.1, ROH 1990, as amended. The transportation of factory built housing shall be governed by Article 3. (Sec. 16-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90 57)

Sec. 16-2.2 Application for relocation permit.

- (a) Any person intending to move any building or structure shall apply to the building official for a relocation permit in writing upon a form furnished by the building official and shall set forth such information as the building official may reasonably require in order to carry out the purposes of this article.
- (b) The application shall be signed by (1) the owner or owners of the site upon which the building or structure is to be moved, or by the person or persons having the right of legal possession of such site for at least a period of five years from the date of the application, (2) the owner or owners of the building or structure to be relocated, and (3) the person or persons hired to relocate such building or structure, and shall be accompanied by four sets of plans and specifications showing all work to be performed on the building or structure upon relocation to the new site; provided, however, if the building or structure is to be moved to and stored at locations specifically used as storage areas for buildings and structures and such storage of buildings or structures is permitted under the zoning ordinances, the application for a relocation permit may be signed by the person or persons having legal possession of such locations and by the person or persons required under (2) and (3) above, and the provisions for the submission of plans and specifications shall not be applicable. The plans and specifications shall be prepared, processed and inspected in the same manner as provided under Chapter 18, ROH 1990, as amended.

(Sec. 16-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.3 Performance security.

Upon filing of an application for a relocation permit, the applicant shall deposit with the city the sum of \$1,000.00, either in cash or in a certified or cashier's check, as security for the faithful performance by the applicant in obtaining the required permits to transport this structure, any police escort and to repair or pay for any property owned by the city or by others which has been damaged in the process of moving such building or structure. Upon the faithful performance of such obligation by the applicant or by any person on behalf of the applicant, to the satisfaction of the building office, and if no such damage has resulted thereby, the sum so deposited shall be returned to the applicant. Applicant shall forfeit the performance security if building or structure is moved without the required permits or police escort. If the applicant fails or refuses to repair or pay for such damage within 30 days after written notification thereof by the building official, the building official shall use such sums deposited or any portion thereof to cause the repair of such property so damaged. Any money remaining after such repair has been completed and has not been forfeited shall be returned to the applicant. In lieu of the aforementioned \$1,000.00 security deposit, the applicant may establish with the city a revolving fund for the amount of \$5,000.00. (Sec. 16-2.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57, 07-22, 12-34)

Sec. 16-2.4 Issuance of permit.

If the work described in the application for a permit and in the plans and specifications submitted therewith conform to the requirements of Chapter 18 and other pertinent laws and ordinances, and the cash and/or checks as required under Section 16-2.3 have been filed or deposited, and the fee specified in Section 16-2.12 has been paid, and the permit or permits as required under the provisions of Section 15-21.12 has or have been issued by the state director of transportation and/or the city director of transportation services, the building official shall issue a relocation permit. In issuing the permit, the building official shall impose therein such terms and conditions as the building official may deem reasonable and proper, including, but not limited to, (1) the designation of route to be followed as specified in the permit or permits issued pursuant to said Section 15-21.12, (2) the presence of a police officer during the entire period that such building or structure is in the process of being moved from its original site to the new site designated in the permit, (3) height and width restrictions of the building or structure being relocated to provide adequate clearance from any and all obstructions which may be encountered on the route so designated, (4) the description of the site upon which the building or

structure is to be moved, (5) the condition to which such building or structure must be restored while in storage, (6) the repair of or payment for any damage done to any property owned by the city or others in the process of moving a building or structure, such terms and conditions to be written upon the permit or appended in writing thereto. The plans and specifications after approval by the building official shall not be changed, modified or altered without authorization from the building official and all work shall be done in accordance with the approved plans and specifications. The building official shall retain one set of such plans and specifications. (Sec. 16-2.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57, 96-58)

Sec. 16-2.5 Identification.

All buildings or structures which are to be relocated shall be identified with appropriate designations by the building official, after it has been determined by the building official that such buildings or structures may be relocated. No building or structure or any portion thereof shall be moved without such identification. (Sec. 16-2.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.6 Police escorts.

- (a) The applicant shall apply to the police department of the city for escort services of a police officer in conformity with the requirements of Section 16-2.4. The applicant shall bear the costs of such services.
- (b) In addition to any other requirement which may be provided by law for the submission of reports in the event of any damage to property resulting from the moving of any building or structure, the police officer assigned to provide escort service shall submit a report to the building official of any such damage.

(Sec. 16-2.6, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.7 Effect of permit issuance.

- (a) The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of Chapter 18, ROH 1990, as amended; Chapter 17, ROH 1990, as amended; Chapter 19, ROH 1990, as amended, or of any other law.
- (b) The issuance of a permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from halting building operations when in violation of the provisions of said chapters or of any other law; nor shall it prevent the institution of criminal action and the imposition of penalty as prescribed under Section 16-2.14 for violation of any of the provisions of this article.

(Sec. 16-2.7, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.8 Permit duration--Extensions.

All work for which a relocation permit is issued under the provisions of this article shall be completed within 120 days of the date of issuance of the permit, unless extended for good cause by the building official. Any request for extension shall be made not less than 15 days prior to the date of expiration of the permit. (Sec. 16-2.8, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.9 Permit--Denial.

No permit shall be issued to move any building or structure:

- (a) Which may result in more than one housing accommodation to be situated on any lot in areas determined by the board of water supply to lack sufficient water supply for domestic use, fire protection and/or sanitation; or
- (b) Which has deteriorated or been damaged to an extent greater than 50 percent of the cost of replacement (new) of such building or structure.

(Sec. 16-2.9, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.10 Default in performance.

- (a) Whenever the building official finds that a default has occurred in the performance of any term or condition of a relocation permit, or upon the failure of the applicant to complete the work required thereby or as described in the plans and specifications therefor within the time prescribed, the building official shall give a violation notice to the owner.
- (b) If the owner has not complied with such notice, the building official may institute any other legal or equitable proceedings, in addition to those specified herein, to demolish or remove the building and to recover the cost of such work from the owner or attach a lien to the property.

(Sec. 16-2.10, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.11 Entry upon premises.

- (a) The building official, the surety and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work.
- (b) In the event of any default or failure to perform as provided under the provisions of Section 16-2.10, the surety or any person employed or engaged on its behalf, or the building official or any person employed or engaged on its behalf shall have the right to go upon the premises to complete the required work or to demolish and remove the building or structure.
- (c) It is unlawful for the owner or any person in legal possession of the premises to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of any surety or of the city engaged in the work of completing or demolishing and removing any building or structure for which a relocation permit has been issued, after a default has occurred as provided under the provisions of Section 16-2.10.

(Sec. 16-2.11, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.12 Permit fees.

The fees for the issuance of relocation permits shall be computed in accordance with Table No. 18-A of Chapter 18, ROH 1990, as amended; provided, however, if a permit is issued after the commencement of the relocation of a building or structure for which a permit is required, the fee shall be increased by an additional amount of \$200.00. (Sec. 16-2.12, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57, 93-75)

Sec. 16-2.13 Building permit not required.

No building permit as provided under Chapter 18, ROH 1990, as amended, shall be required for any work required under the relocation permit or for any work of completion or demolition undertaken pursuant to Section 16 2.10; provided, however, all other provisions in said chapter shall be fully complied with when not in conflict or inconsistent with the provisions of this article. (Sec. 16-2.13, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)

Sec. 16-2.14 Violation--Penalty.

For violation and penalty provisions, see Article 10 of this chapter. (Sec. 16-2.14, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-57)