

CHAPTER 15: MOVING OF BUILDINGS

Sec. 15.100 Permit Required

- (a) No person shall move any building, or portion thereof, from one site to another, or along any public way or place within the city, until such person shall have first secured a permit to do so from the building standards commission.
- (b) This Section shall not apply to buildings specifically designed and constructed to be portable when the same are loaded on trucks, trailers, or dollies, and have a loaded height of not over fourteen (14) feet, and loaded width of not over fourteen (14) feet.

Sec. 15.101 Application for Permits, Fees, Deposits

- (a) Applications for moving permits shall be upon forms provided by the building official, and shall show at least the name of the owner, the name of the mover, the present use and location of the building, the future use and location of the building, the proposed route and time of move, and the loaded height and width.
- (b) The application for a moving permit shall be accompanied by restoration plans for the building or structure to be moved, and a tax certificate indicating that no delinquent taxes are outstanding on the properties involved.
- (c) Application for permits shall be made in the Municipal Building, and shall be accompanied by an application fee, a deposit, and an inspection fee as determined by the City Council by ordinance or resolution if the building is proposed to be located within the city limits. The building official shall make a charge against such deposit for the escort services of each officer or employee of the City required by the building official to escort such move, based upon the current hourly wage of such officer or employee. The unused balance of such deposit shall be refunded to the applicant, and the applicant shall promptly remit to the building official the balance due, if such deposit is insufficient to cover the escort service charges. No house moving permit may be issued until all building permits required by this Code, or any other Ordinances of the City, have been issued.
- (d) In lieu of the application fee set out in subsection (c) above, the application fee set by the City Council by ordinance or resolution shall be required for the moving of one principal building, and its accessory buildings, if all such buildings and parts thereof are moved within a period of twenty (20) days. The other charges, deposits, and fees set forth in subsection (c), above, shall be applicable.
- (e) The person applying for a permit under this Chapter shall file with the building official a good and sufficient surety bond in a form to be approved by the city's legal counsel and building official, which bond shall be carried by a company authorized to transact such business in Texas. Such bond may be filed in connection with one such permit, or may cover all permits issued to the permittee during a given period. A permit shall be required for each house moving operation, regardless of the filing of a sufficient bond.

The bond shall be payable to the Mayor, or any successors in office, for the use and benefit of the city and of the other persons described in this Section, and shall be conditioned that the principal shall pay to the city any damages to streets or other property owned or controlled by the city, which damages are occasioned in any manner by the principal's use of his or her house moving permit; that the principal shall indemnify and hold harmless the city against any claims, damages, causes of action, costs and expenses, arising against the city by reason of such operations; and that the principal shall comply with all lawful regulations and ordinances of the city and with the terms and conditions of the permit in connection with which this bond is filed. Such bond shall be in the amount of TWENTY THOUSAND DOLLARS (\$20,000.00); shall constitute a continuing liability notwithstanding any recovery thereon; and shall contain a provision for a ten (10) day written notice to the city of cancellation by the surety.

Sec. 15.102 Application Processing

- (a) The building official shall be entitled to inspect the building, and the proposed location of the building, and satisfy himself or herself that this Chapter, and all applicable city codes and ordinances, are being complied with, or that satisfactory arrangements to comply with this code, and all applicable ordinances, have been made. If the building official determines that the cost of repairs and rehabilitation will exceed sixty percent (60%) of the assessed tax value, he or she can recommend that no moving permit be issued by the building standards commission.

The building standards commission may refuse to issue a moving permit for the removal of any building if it finds that it cannot be safely moved over the proposed route, or that it cannot, or will not, be made to comply with this Code, and any other applicable city code or ordinance, in its proposed new location, or if the structure is judged to be incompatible with the neighborhood. The decision of the building standards commission to deny or grant a moving permit may be appealed to the City Council by any aggrieved individual.

- (b) The building official shall inform the police department, fire department, and all public utilities affected by the move of the applicant's proposed route, size of load, time of move, lighting and safety precautions, and other features of the move brought to the attention of the building official. If any such department or utility shall inform the building official of reasons why such permit should not issue, the applicant shall be entitled to amend his or her application and to take such remedial steps or precautions as may be necessary after being advised of the nature of any disapproval of his or her application.
- (c) No person shall be issued a moving permit under this Chapter, or move any building, or portion thereof, on the streets of the city, unless such person has currently in effect public liability and property damage insurance covering any loss or damage that may be caused any person, or any property other than vehicles, trailers, dollies, or cargo of such house mover, in amounts of ONE HUNDRED THOUSAND DOLLARS (\$100,000) for each person for bodily injury; THREE HUNDRED THOUSAND DOLLARS (\$300,000) for bodily injury liability on each accident; and FIFTY THOUSAND DOLLARS (\$50,000) for property damage liability for each accident.

Sec. 15.103 Issuance of the Moving Permit

- (a) Each application for a moving permit for a building to be moved into, or out of the city shall be reviewed by the building standards commission which has the authority to grant or deny the permit after hearing. However, no hearing is required for moving a building which neither originates nor ends within the city limits.
- (b) At least fourteen (14) days prior to the hearing on a moving permit by the building standards commission, the locations involved shall be posted with a sign giving the following information:
 - (1) The current location of the structure, or the intended move-on location;
 - (2) The name and address of the owner; and
 - (3) The date, time, and location of the hearing. In addition, all residents and property owners within three hundred (300) feet of the proposed move-on location shall be notified of the intended move by mail, and any neighborhood association on file in the area of the proposed move-on and move-off location shall be similarly notified.
- (c) The building standards commission may require the owner of the new site to post a cash deposit of at least ONE HUNDRED DOLLARS (\$100.00), or a bond to cover the demolition or removal of the structure, if the moved structure fails to comply with the standards of this Chapter.
- (d) Each section of the building must be moved by a bonded mover.
- (e) The final permit issued to the mover shall describe the terms and conditions of the move fully. One copy of the permit shall be posted on the building before the same is moved, and retained thereon until the conditions have been fully met.
- (f) Move permits shall be issued with a maximum renovation and completion time of one hundred and twenty (120) days. The building standards commission may grant an extension of time.
- (g) Any move permit which has not been activated within thirty (30) days after issuance shall expire. In the event no work was ever commenced, the permit may be renewed without additional charge.

Sec. 15.104 Execution of Move

- (a) No building, or portion thereof, shall be on any street within the city, except between the hours of 12:00 midnight and 6:30 a.m.; except, that certain buildings which are of a size and so loaded and routed as to be quickly and safely moved without public inconvenience, may be moved over such streets within the city by special permission of the building standards commission at other hours. The decision of any one of the departments (police or fire) or public utilities affected, that moving should not be

permitted at any time other than between 12:00 midnight and 6:30 a.m. shall be final. In the event that the move cannot be made at its originally scheduled time, the permittee shall request and obtain written permission for time change before proceeding with the move.

- (b) It shall be unlawful for any person to permit any building, or portion thereof, to be on any public street or alley at any time other than the time stated on the moving permit for such building, or portion thereof.
- (c) It shall be unlawful for any permittee to transfer, any permit, or any rights secured to him by any permit, issued under this Section.
- (d) If the chief of police shall find that the protection of public safety, or property other than vehicles, trailers, dollies, or cargo of the mover requires a police escort, and shall so advise the building official, such fact shall be specified on the moving permit, and it shall be unlawful for such building to be moved along or across any street or public place within the city unless accompanied by a uniformed police escort as required by the chief of police. It shall be unlawful for any person to refuse or fail to comply with any lawful order or direction of any police officer escorting such move. After the move has been completed, the escorting police officer shall file a written report of such move with the building official.

Sec. 15.105 Duties and Responsibilities; Violation; Penalty

- (a) The building or structure to be moved, and the site of the restoration work, must be kept in a clean and safe condition during repairs and remodeling.
- (b) Each lot from which a structure or building is moved shall be left in a clean, raked condition within thirty (30) days after the removal of the structure or building.
- (c) Failure to comply with the requirements of this Section constitutes a violation of this Chapter.
- (d) Upon failure to comply with this requirement, the City of Sunset Valley is then authorized to clean the lot by city contract, or by city forces. Such expenses incurred by the City of Sunset Valley constitute a lien against the real property on which the structure stood, and the lien runs with the land.

Sec. 15.106 Damage to Property

If the moving of a building pursuant to this Chapter has caused any damage to public or private property, other than vehicles, trailers, dollies, or cargo of the mover, the permittee shall forthwith place the same in as good repair as it was before the permit was granted. Upon his failure to do so within ten (10) days after notification, the building official may cause the necessary repairs to be made, and the mover shall be responsible for the payment of the costs. The permittee shall not cut or trim those parts of trees or shrubs, on or over any public way or place, without permission from the department of public works, and shall not cut or trim those parts of trees or shrubs, on or over any private property, without permission from the owner or

person in control of such property. Permits may be withheld from any mover who has willfully and repeatedly violated the provisions of this Code.

Sec. 15.107 New Buildings

Existing buildings which are moved or relocated into the city shall be considered as new buildings, and shall comply with all the requirements of this Chapter.