

CITY OF CHERRYVALE

ORDINANCE 18-4693

**AN ORDINANCE AMENDING ARTICLE 2. MOVING BUILDINGS OF THE CITY CODE FOR
THE CITY OF CHERRYVALE, KANSAS.**

ARTICLE 2. MOVING BUILDINGS

SECTION 1. BUILDING OFFICIAL; AUTHORITY. The City Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this ordinance and appointment of an inspector, subject to the consent and approval of the governing body.

SECTION 2. PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor.

SECTION 3. APPLICATION FOR PERMIT. All applications for permits required under the provisions of this ordinance shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities.

(a) Application contents shall include:

1. The present location of the building or structure to be moved;
2. The proposed location of the building or structure;
3. The type of equipment to be used for the proposed work;
4. The length, width, and height of the building or structure when loaded;
5. The principal materials of construction of the building or structures;
6. The date and time of the proposed moved;
7. Written approval from all companies or public or municipally owned utilities owning or operating wires, cables, or other aerial equipment and proper authority for the temporary moving of any lamppost, public utility installations or other property;
8. The name and address of the owner of the proposed new location of the building or structure;
9. The name and address of the owner of the building or structure; and
10. Written permission of the owner or owners to do proposed work.

- (b) Examination of building. The Building Official or a designated agent shall examine the building or structure to be moved and examine the neighborhood to which such a building or structure is to be relocated. If he or she determines that the building or structure to be moved will have a blighting influence on properties in the area or neighborhood because the structure is in a state of disrepair or the walls, siding, roof, or exterior are of a quality and appearance not commensurate with the character of the properties in the neighborhood, then a permit for moving the building or structure to such location shall be denied.
- (c) Compliance with zoning ordinance. No building or structure shall be moved to a location where it will not comply with the zoning ordinance of the City.
- (d) Foundation required. A building or structure for which a permit for moving has been issued shall be placed with fully approved bearing on a permanent foundation within 30 days of the move.

SECTION 4. SAME; BOND, INSURANCE REQUIRED.

- (a) It shall be the duty of any person at the time of making application for a permit as provided in this ordinance to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this ordinance or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$10,000, or cash may be deposited in lieu of such surety bond.
- (b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage may be permitted in lieu of a bond.

SECTION 5. SAME; FEE. Before any permit to move any house or structure is given under the provisions of this ordinance, the applicant shall pay a fee of not less than \$50 to the city clerk; plus the additional cost for the time for any city crews involved in such moving.

SECTION 6. ROUTE; DUTIES OF BUILDING OFFICIAL. The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this ordinance.

SECTION 7. NOTICE TO OWNERS.

- (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location

that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

- (b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.
- (c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.

SECTION 8. DUTY OF OWNERS.

- (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.
- (b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in Section 8, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

SECTION 9. INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to rise, cut, or in any way interfere with any wires or poles bearing wires or any other aerial equipment.

SECTION 10. SAFETY PRECAUTIONS DURING NIGHTTIME. Every house mover shall, while the building is being moved upon or over the streets of the city in the nighttime, properly and safely guard the same by placing or securely attaching to each corner of the building flashing and operational red lights, all of which shall be kept burning during the nighttime and which can be readily seen for a distance of not less than 500 feet and while engaged in moving such building, he shall take every precaution to leave passageway for vehicles where such passageway is practicable. Such house mover shall move such building with all reasonable dispatch and shall not leave or permit the same to stand in the street or unreasonably impede or interfere with traffic thereon but shall use all diligence to move the same as rapidly as possible.

Any person engaged in moving any building or structure along, across or over any street, avenue, alley or other public property of this city shall keep and maintain type "A" warning lights at nighttime visible to anyone approaching such building or structure from either direction pursuant to the Manual on Uniform Traffic Control Devices, and shall also notify the chief of the fire department and the chief of police where such building or structure is stopped for the night.

SECTION 11. PAYMENT OF TAXES. No property owner shall permit the removal of nor shall any purchaser of the building or any house mover move such building from the premises unless all taxes legally levied or assessed on the premises shall have been fully paid, and the city clerk shall issue no permit for such removal until he or she is satisfied that all such taxes or assessments, or both, have been fully paid.

REPEALED. All ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication in the official city newspaper.

PASSED AND APPROVED By the Governing Body of the City of Cherryvale, Kansas this 6th day of August, 2018.

John M. Wright

John M. Wright, Mayor

ATTEST:

Karen Davis

Karen Davis, City Clerk

