

ORDINANCE NO. 1213

An Ordinance to add Title 12, Chapter 8 to the Crossville Municipal Code pertaining to moving buildings.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I. That Title 12, Chapter 8, be added to the Crossville Municipal Code, as follows:

CHAPTER 8

MOVING BUILDINGS

SECTION

- 12-801. Permit Required
- 12-802. Application for Permit
- 12-803. Investigation
- 12-804. Denial of Permit
- 12-805. Terms and Conditions of Permit
- 12-806. Estimate of Cost and Deposit
- 12-807. Liability Insurance
- 12-808. Owner's Completion Bond or Savings and Loan Certificate and Share
- 12-809. Clearance of Site and Safety Measures Required
- 12-810. Inspection Fee and Permit Fee
- 12-811. Issuance of Permit
- 12-812. Suspension or Revocation of Permit
- 12-813. Control and Supervision
- 12-814. Notice Required.
- 12-815. Default in Performance of Conditions
- 12-816. Approval of Route
- 12-817. Obstructing Streets
- 12-818. Lights and Barricades
- 12-819. Wires and Structural Supports
- 12-820. Trees, Plants and Shrubs
- 12-821. Repairs to Public Property
- 12-822. Refunding of Deposits

12-801. **Permit required.** It shall be unlawful for any person to move or cause to be moved any building in, into, through, or from the city without first obtaining a permit therefor from the codes administrator. Such permit shall be known as a "house moving permit". This ordinance shall not apply to structures that are neither used for human habitation nor are intended to be used for human habitation, whether commercial or residential, and are within the width and length restrictions for transportation along public roads and highways so as to be exempt from otherwise applicable permits from the Tennessee Department of Transportation, said exempt structures including, by way of example, but not by limitation, gazebos and storage buildings.

12-802. **Application for permit.** Any person desiring such a permit shall file with the codes administrator an application therefor in writing on a form to be furnished by the city for that purpose. Such application shall specify the following:

- (a) The character and size of the building to be moved;
- (b) The reason for such moving;
- (c) The use, purpose and occupancy for which said building or structure is to be used.
- (d) The location from which and to which said building is to be moved;

- (e) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the city;
- (f) The streets on, over or through which it is desired to move said building;
- (g) Whether the building conforms to the restrictive covenants in the location to which it is to be moved.

12-803. **Investigation.** Upon the filing of the application, the codes administrator shall investigate the building and prepare a report of the results of such investigation, together with recommended action thereon.

12-804. **Denial of permit.** No permit shall be issued to move any building or structure which, in the opinion of the codes administrator:

- (a) Is so constructed or in such condition as to be dangerous;
- (b) Is infested with pests or insanitary;
- (c) If it is a dwelling or habitation, is unfit for human habitation;
- (d) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area within a radius of 1,000' from the proposed site;
- (e) If the moving of the building or structure causes unreasonable damage to the trees, plants and shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the codes administrator, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

12-805. **Terms and conditions of permit.** When a house moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public streets, or other public property on the city on, over or through which the building or structure shall be moved, and the requirements of changes, alterations, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the area to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

12-806. **Estimate of cost and deposit.** The applicant shall also deposit with the codes administrator a cash deposit sufficient to cover the cost to the city as estimated by the director of public works, of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing, or displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the city or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the city.

12-807. **Liability insurance.** Every person moving a building in the city shall file with the codes administrator a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the state, which policy shall conform in all respects to the requirements of this section. In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for

injury to, or death of, any person, or damage to any property growing out of the moving of such building, to the amount of limit of \$1,000,000 exclusive of interest and costs, on account of injury to, or death of, any one person, and subject to the same limit as respects injury to or death of one person, of \$1,000,000 exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person, and of \$1,000,000 for damage to property of others, resulting from moving any one building.

12-808. **Owner's completion bond or savings and loan certificate and share.** Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the codes administrator a corporate surety bond, conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the said permit shall be fully performed and completed within a reasonable time to be specified by the codes administrator in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus 10% thereof, and shall name the city as obligee, and shall be in a form approved by the city attorney. In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for said completion may be granted in writing by the codes administrator when, in his or her discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

12-809. **Clearance of site and safety measures required.** Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the codes administrator a bond or other form of security in favor of the city conditioned as follows:

- (a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.
- (b) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.
- (c) Within ten days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:
 - (1) Securely close and seal any sanitary piping located on the property.
 - (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
 - (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the codes administrator.
 - (4) Remove any buried underground tanks formerly used for storage of flammable liquids.
 - (5) Remove all refuse, debris, and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the codes administrator. The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the codes administrator, when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

- 12-810. **Inspection fee and permit fee.** An inspection fee in the sum of \$200 shall be paid to the codes administrator upon filing of each application for a house moving permit. A permit fee shall be paid to the codes administrator upon the issuance of each house moving permit, in accordance with the fee schedule established for comparably-sized new homes, as required in Section 3408 of the International Building Code.
- 12-811. **Issuance of permit.** The codes administrator shall issue a house moving permit when all the necessary requirements and conditions of this chapter have been complied with.
- 12-812. **Suspension or revocation of permit.** The codes administrator, at any time, for sufficient cause, may revoke or suspend any permit granted under this chapter.
- 12-813. **Control and supervision.** Every building which is moved on, over or through any public street, way or park in the city shall be under the control of the director of public works and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of said director of public works. This section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.
- 12-814. **Notice required.** Notice must be given by the person to whom the permit issued, or his representative, to both the director of public works and the police department of the city not less than thirty-six hours nor more than 48 hours before the actual work of moving a building or structure is to commence.
- 12-815. **Default in performance of conditions.** Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the codes administrator, said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done or pay over to the codes administrator of the city the estimated cost of doing the work, as set forth in the notice, plus 10% of said estimated cost. Upon receipt of notice from the codes administrator that the permittee has deposited such money, the director of public works shall cause the required work to be performed and completed. If the permittee defaults, the city shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site or sites.
- 12-816. **Approval of route.** The streets over which any building or structure is to be moved must be approved by the director of public works and the chief of police.
- 12-817. **Obstructing streets.** No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the city, shall permit said building to remain in any one location on any such street, way or park for a period longer than twenty-four hours except by written permission obtained from the chief of police.
- 12-818. **Lights and barricades.** The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.
- 12-819. **Wires and structural supports.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure

supporting the wires, cables or other equipment of any public utility or of the city or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or the wires, cables or other equipment thereon, and shall notify such owner or owners at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom said permit is granted shall not at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or city property; and such work shall be done only by the authorized workmen of the utility or the city, whichever is the owner.

The person to whom said permit is granted shall pay to said public utility, or to said city, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

12-820. **Trees, plants and shrubs.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove, or replant any tree, plant, or shrub belonging to or under the control of the city, the person to whom such permit has been granted, or his authorized representative, shall notify the director of public works at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom said permit is granted shall not at the expiration of said time of notice or at any time trim, move, remove, replant or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the city unless otherwise approved and so ordered by the director of public works.

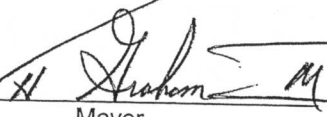
The person to whom said permit is granted shall pay to said city any and all costs or expense for the trimming, moving, removing, or replanting of any trees, plants or shrubs or of any damage thereto.

12-821. **Repairs to public property.** In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the city may have, the director of public works may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the director of public works to make all necessary repairs to such streets or property; provided, however, that should said person to whom said permit has been granted, and to whom said notice has been given, or his authorized representative, fail to make said necessary repairs within the period of time designated in said written notice, said director of public works may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

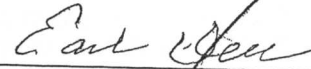
12-822. **Refunding of deposits.** When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the director of public works and all costs of repairing damage or performing other work as provided herein, have been paid, and the deposit as required by section 6 hereof, or such portion thereof then remaining unused under the provisions of this article shall be refunded upon surrender of the deposit receipt representing the said money so deposited. Should the cost, however, of repairing damages and/or performing other work as in this article provided, exceed the total amount of money deposited, the person to whom said permit was granted shall be held liable for the amount of damage and/or other costs which are in

excess of the amount deposited, and it shall be the duty of the codes administrator, upon receipt of the request from the director of public works, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

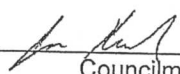
SECTION II. This ordinance shall take effect upon and after its final date of passage, the public welfare requiring it.



Mayor



Councilman




Councilman

Councilman


Councilman

ATTEST:

APPROVED AS TO FORM:



City Clerk



City Attorney

Passed 1st Reading: February 26, 2009
Passed 2nd Reading: February 27, 2009
Passed 3rd Reading: February 28, 2009