

APPLICATION FOR MOVING PERMIT
(Sec. 7.62)

CITY OF LOWELL
KENT COUNTY, MICHIGAN

ORDINANCE NO. 01- 1

AN ORDINANCE TO ADD ARTICLE V, "MOVING OF BUILDINGS AND STRUCTURES," TO CHAPTER 7, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember Green, supported by Councilmember Brubaker, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment to Chapter 7. Chapter 7 of the Code of Ordinances of the City of Lowell is amended by the addition of the following Article V:

ARTICLE V: MOVING OF BUILDINGS AND STRUCTURES

Sec 7.60. Purpose.

The moving of buildings and structures within the city shall be subject to the provisions of this article to protect against and minimize damage to public and private property and to prevent injury to persons; to provide for the orderly and prompt movement of such buildings and structures within the public right-of-way; to minimize interference with pedestrian and vehicular traffic, interruption of utility services and other adverse effects of such movement; to ensure the restoration of a site from which a building or structure is removed and the completion of the construction and improvement of the site to which the building or structure is moved to; and to ensure compliance with all applicable city ordinances, rules and regulations.

Sec 7.61. Moving permit required.

Except as otherwise provided in this section, no person shall move any building or structure having a floor area of greater than fifty (50) square feet or a height of greater than fourteen (14) feet upon the public right-of-ways in the city without first obtaining a moving permit from the city's public works department. This article shall not apply to, and no moving permit shall be required for, the movement of buildings and structures which do not begin or end within the city limits and where there will be no interruption in the orderly flow of pedestrian or vehicular traffic within the public right-of-ways or in the provision of utility services within the city.

 YES (NEEDS PERMIT)

 NO (DOES NOT NEED PERMIT)

Sec 7.62. Application for moving permit.

The person responsible for the movement of a building or structure requiring a moving permit pursuant to this article shall complete an application in a form prepared by the City and file it with the public works department. The application shall include the following:

(1) The following to be completed by the mover:

Name: _____ Address: _____

Telephone: _____ Contact Person: _____

(2) The following to be completed by the owner of the building or structure:

Name: _____ Address: _____

Telephone: _____

(3) Description of the building and structure to be moved including its vertical, horizontal and total height with rigged dimensions: _____

(4) Purpose for the move: _____

(5) as applicable, the location in the city from which, and the location in the city to which, the building or structure is to be moved; _____

(6) the proposed date and time of day, estimated length of time and proposed route of the move; _____

(7) for buildings or structures to be located or relocated in the city, photographs showing the building's or structure's four side elevations and a full set of construction plans for the building or structure as it is proposed to be completed after the move; _____

(8) such other information as the public works department shall determine is necessary to assure compliance with this article. _____

Sec 7.63. Submission of application

An application for a moving permit shall be filed with the public works department at least twenty-one (21) business days before the proposed moving date. The public works department may extend the moving date beyond twenty-one (21) business days from the date of filing the application if additional time is required to make arrangements for the move such as, but not limited to, the temporary routing or rerouting of vehicular traffic, the temporary relocation of utilities or the temporary interruption of utility services.

Submitted Date: _____ Proposed Moving Date: _____ Extended Date: _____

Sec 7.64. Conditions for approval of moving permit

The public works department shall approve an application for a move only if all of the conditions are satisfied:

- (1) the building's or structure's size is such that it can, in the reasonable judgment of the public works department, be moved without causing damage to property or injury to persons; Yes: _____ No: _____
- (2) the building or structure is, in the reasonable judgment of the public works department, structurally safe and fit for moving; Yes: _____ No: _____
- (3) if the building or structure will be located or relocated within the city limits, the building or structure, upon its move, will comply or promptly be made to comply with all applicable ordinances, rules and regulations and all building, electrical, heating, ventilation and air conditioning, plumbing and other permits required to comply with such ordinances, rules and regulations shall have been obtained;

Yes: _____ No: _____

- (4) the public works department shall have been provided with a certificate of insurance showing the applicant for the moving permit as the insured and evidencing general liability insurance covering damage to property and injury to persons in such coverage amounts as shall be established from time to time by resolution of the city council and with the city shown as an additional insured with respect to the move.

Certificate of Insurance: _____ (\$2,000,000 required)

Sec 7.65. Moving permit fee.

The city council may from time to time by resolution establish a fee covering the city's administrative costs related to the issuance of a moving permit which, if established, shall be due and payable upon the filing of the application for a moving permit and shall be nonrefundable whether or not the permit is issued or the move occurs and is completed.

Sec 7.66. Issuance of moving permit.

Upon payment of any applicable fee and compliance with the conditions and other requirements of this article, the applicant for a moving permit shall be issued the permit by the public works department. The public works department may specify on the permit the date and time of day of the move, the route that is to be followed within the city and such other conditions to protect against and minimize damage to public and private property and to prevent injury to persons and to assure orderly and prompt movement which minimizes interference with pedestrian and vehicular traffic, interruption of utility services and other adverse affects of such move.

YES:_____ NO:_____

Sec 7.67. Compliance with moving permit.

Once a moving permit has been issued by the public works department, all persons involved in such move or causing such move shall comply with the terms and conditions of the permit. A violation of such terms and conditions shall be deemed to be a violation of this article and, in addition to such other remedies as are authorized by law, the public works department may suspend or terminate the permit.

Sec 7.68. Obtaining utility clearances and other permits.

The person issued a moving permit shall provide the public works department before the day of the move the following:

- (1) written approvals and clearances from all applicable electrical, telephone, gas, cable television, fiber optics, water, sanitary sewer and other affected utilities stating that all applicable connections have been properly shut-off and, where necessary, all obstructions along the moving route will be cleared without delaying the move;

YES:_____ NO:_____

- (2) documentation that utility users whose utility(ies) are expected to be interrupted by the move have been notified in writing of the date and time of the move and the estimated period of time of interruption of utility service(s) at least fifteen (15) business days prior to commencement of the move; and

YES:_____ NO:_____

- (3) a copy of all other permits required by other governmental bodies or agencies in connection with such move.

YES:_____ NO:_____

Sec 7.69. Notice of move.

The person seeking a moving permit shall provide or cause to be provided to the public works department written notice of the proposed date and time of the move at least twenty-one (21) business days prior to the move date, provided, however, the public works department shall approve the date and time of such move and no building or structure shall be moved without such approval.

(See Sec. 7.63)

Sec 7.70. Approval of move route.

The person issued a moving permit shall move the applicable building or structure within the city only along a route approved by the public works department after its consultation with other city departments.

YES: _____ NO: _____

Sec 7.71. Expeditious move.

All moves of buildings and structures shall proceed as expeditiously as possible and in a manner that minimizes the obstruction of pedestrian and vehicular traffic. No building or structure shall be left idle on any street or other public right-of-way except in the case of an unavoidable occurrence. The public works department shall immediately be notified by the person issued the moving permit of such occurrence and what steps will be taken to complete the move. While such building or structure remains idle in the public right-of-way, the person issued the permit shall be responsible for placing warning devices visible during the day and night time on and around the building or structure.

Sec 7.72. Observation of move.

During the move of a building or structure pursuant to this article, employees of the public works department may observe the move and shall have the authority to require the person issued the moving permit to take any steps necessary to protect against and minimize damage to public and private property and to prevent injury to persons and to assure orderly and prompt movement which minimizes interference with pedestrian and vehicular traffic, interruption of utility services and other adverse affects of such move.

Sec. 7.73. Filling excavations and cleaning up site.

A person issued a moving permit pursuant to this article for the move of a building or structure from a site within the limits of the city shall, within seven (7) days of the removal of the building or structure from the site, remove or cause to be removed all equipment and clean up all refuse, debris and waste from the site and shall within such seven (7) days fill or cause to be filled any excavation left upon the site, unless such excavation shall be used for the erection of a new building or structure commencing within thirty (30) days of the moving of the building or structure. Any excavation required to be filled under this section shall be filled even with the grade of the surrounding land with appropriate soils. Until any excavation shall be filled or used for the erection of a new building or structure, the person issued a moving permit pursuant to this article shall erect or cause to be erected barricades at least three (3) feet in height around any such excavation.

DATE OF MOVE: _____ DATE OF COMPLETION: _____

Sec 7.74. Reimbursement of city costs.

In addition to the payment of a moving permit fee pursuant to section 7.65 hereof, the person issued a moving permit shall reimburse the city its actual costs, determined on a cost accounting basis, of the dedication of equipment and personnel related to the move including, but not limited to, the use of personnel to perform the observation prescribed in section 7.72 hereof, and the use of personnel and equipment to direct and reroute vehicular traffic and to provide an escort for the move. Subject to section 7.73 hereof, such amounts shall be due and payable by the person issued the moving permit within thirty (30) days after being invoiced.

Sec 7.75. Cash deposit for damages and reimbursement of city expenses.

At the time of the issuance of a moving permit, the person issued the permit shall make a cash deposit of two thousand dollars (\$2,000) to the city treasurer to guarantee the payment of the cost of repair of any damages to public property caused by the move including any damages to street surfaces, sidewalks, street lighting, public buildings and all other damage to public property and to guarantee the reimbursement of city costs in accordance with section 7.74 hereof. In the event the cost of repairing such damage and reimbursement of city costs exceeds the cash deposit, the city shall send the person issued the permit an invoice for the difference, which amount shall be due and payable within thirty (30) days after the date of the invoice.

\$2,000 DEPOSIT FOR DAMAGES AND REIMBURSEMENT YES: _____ NO: _____

Sec. 7.76. Cash deposit for completion of work.

In the case of the location or relocation of a building or structure within the limits of the city, at the time of the issuance of a moving permit, the person issued the permit or the owner of the building or structure shall make a cash deposit of two thousand dollars (\$2,000) to the city treasurer to guarantee that the building or structure will be completed in accordance with construction plans on file with the public works department and in compliance with applicable city ordinances, rules and regulations. Such cash deposit shall be released when such work has been completed, provided, however, if the work is not completed within six (6) months of the date of the moving permit the cash deposit shall be forfeited to the city in addition to the other remedies the city is entitled by law to pursue to enforce completion of the work.

\$2,000 DEPOSIT FOR COMPLETION YES: _____ NO: _____

Section 2. Effective Date. This ordinance shall take effect 10 days after it or a summary thereof, as permitted by law, is published in a newspaper of general circulation in the City.

YEAS: Councilmembers Brubaker, Green, Myers, Shores and Mayor Blough.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

ORDINANCE DECLARED ADOPTED.

Dated: August 20, 2001

Betty R. Morlock
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held August 20, 2001, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the Lowell Ledger, on August 29, 2001. I further certify that the ordinance was entered into the Ordinance Book of the City on August 20, 2001, and was effective September 8, 2001, 10 days after publication.

Dated: August 20, 2001

Betty R. Morlock
City Clerk