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ORDINANCE 67

REGULATION OF BUILDING MOVES

Section 67.01: BUILDING REQUIREMENTS.

Subd. 1: Buildings or structures, excluding manufactured/mobile homes, which are moved into or within the City must comply with the provisions of this Section, the City Zoning Ordinance, and the State Building Code for new buildings or structures.

Subd. 2: Manufactured/mobile homes that are moved into or within the City must comply with the provisions of this Section, the City Zoning Ordinance and the State Manufactured Home Building Code.

Section 67.02: CONDITIONAL USE PERMIT REQUIRED.

Subd. 1: A person must not move, or cause to be moved, a building or structure, including a manufactured/mobile home, into, within, or out of the City without first obtaining a permit to do so.

Subd. 2: Before a building or structure, excluding a manufactured/mobile home, may be moved into, within, or out of the City, a permit must be granted by the City Council, following a public hearing and recommendation by the Planning Commission.

Subd. 3: A notice of the time and place of the public hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. A similar notice shall be mailed at least ten (10) days before the date of said hearing to each owner of property situated within a radius of 350 feet of the property to which the building is proposed to be moved. A notice containing the same information shall be posted on the property to which the building is proposed to be moved not less than ten (10) days prior to the date of the hearing. A copy of the published notice, the posted notice, and a list of the owners and addresses to whom notice was sent, shall be attested to by the responsible person and shall be made a part of the proceedings. Failure to receive mailed notice by individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this provision has been made.

Subd. 4: Before a manufactured/mobile home may be moved into, within, or out of the City, a permit must be granted by the City Council.

Subd. 5: Permits are not required for moving a residential accessory building which has a floor area that does not exceed 130 square feet.

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Section 67.03: CONDITIONAL USE PERMIT APPLICATION.

Subd. 1: An application for a moving permit must include the following:

- a) a certificate from the City Building Official that the building or structure meets the requirements of the State Building Code;
- b) the address, tax identification number, and legal description of the premises from which the building is to be moved;
- c) the address, tax identification number, and legal description of the premises to which the building will be moved;
- d) a plot plan showing:
 1. the proposed location of the building on the premises to which the building will be moved;
 2. the proposed grade and elevation as it relates to adjacent lots;
 3. the proposed elevation of the first floor and finished height of the building; and
 4. all drainage and fill requirements.
- e) photos showing:
 1. all sides of the building or structure;
 2. the proposed building location; and
 3. photographs of all adjacent lots and structures.
- f) a list of the highways, streets, and other property over which the building is proposed to be moved;
- g) the proposed moving date and hours;
- h) evidence that the building and the lot from which the building is to be removed are free from mortgages, liens or other encumbrances, and that all taxes, assessments, and other charges against the lots from which, and to which, the building is to be moved are currently paid;
- i) evidence showing that the applicant is the owner of the building and is entitled to move the building;

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- j) the City Building Official inspection fee, as established by the City Council in Appendix A;
- k) the permit fee, as established by the City Council in Appendix A;
- l) a bond or certified check from the property owner in an amount established by the City Council payable to the City of Albany to ensure that:
 - 1. the Electric Utility Company is reimbursed for the cost of removing and replacing electric wires, street lamps, and poles belonging to the City,
 - 2. the structure is properly removed from the former property,
 - 3. the structure is properly located on the proposed property and attached to the foundation, and
 - 4. all work is performed in compliance with the permit, the State Building Code, and this Ordinance;
- m) the name and address of the proposed building mover; and
- n) any additional information requested by the City.

Section 67.04: CONDITIONAL USE PERMIT ISSUANCE.

Subd. 1: The Planning Commission may refuse to recommend, and the City Council may refuse to issue a Conditional Use permit if it finds that:

- a) a requirement has not been met;
- b) the building is too large to move, or that no route is available that does not endanger persons or property, or that no route is available that does not seriously inconvenience traffic in the City. Limited vegetation trimming or removal may be allowed in the permit;
- c) the proposed route includes the use of private property, and no consent from the owner has been obtained;
- d) people or property in the City would be endangered by moving the building;
- e) the building is structurally unsafe or unfit for the purpose for which it is being moved, if the proposed location is in the City;
- f) the proposed building mover's equipment is unsafe, and persons and property would be endangered by its use;

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- g) the proposed building mover does not have a current license issued by the state under Minn. Stat. § 221.81;
- h) the proposed building mover has been shown to be unreliable and irresponsible in complying with City requirements;
- i) the building to be moved is not worth at least 50 percent of the cost of a similar new building;
- j) the building in the proposed location in the City would fail to comply with a provision of the City Zoning Ordinances;
- k) the building in the proposed location in the City would not conform to the general character of, and the types of architecture in the use district to which the building would be moved; or
- l) the building in the proposed location in the City is not compatible with the houses in the neighborhood to which the applicant wishes to move the house or building, with respect to height, age, style, condition, or design and as a result would reduce the values of existing houses in the neighborhood to which the building would be moved. If the building to be moved is more than ten years older than the oldest building situated on a lot adjacent to the proposed location, such fact shall be evidence that the building to be moved is not compatible with the houses in the neighborhood.

Subd. 2: The Conditional Use permit must specify the permitted days, hours, route, movement, parking, speed limit, and vegetation removal for the proposed move.

Subd. 3: The City Council may impose additional conditions or requirements in the permit.

Subd. 4: The issuance of a Conditional Use permit by the City does not relieve the applicant of the obligation to obtain required permits from other governmental agencies and does not permit the use of private property, except with the written consent of the landowner.

Section 67.05: SUPPLEMENTAL INFORMATION.

Subd. 1: At least ten business days before the actual move is to take place, the applicant must submit to the Building Official the following supplemental information:

- a) confirmation of the proposed moving date and hours;
- b) a copy of the proposed building mover's state license and an insurance certificate showing that the mover has current insurance coverage required by state law;

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- c) a signed statement from the applicant or a contractor agreeing to fence or secure the foundation at the original building location, to fill the foundation cavity, and to keep the area safe and clean, if the original building location is in the City;
- d) a signed statement from the applicant or a contractor agreeing to properly abandon and seal any wells, fill or remove any septic tanks, and properly shut-off and disconnect any utilities, if the original building location is in the City; and
- e) a signed statement from the applicant or a contractor agreeing to connect the building to its new foundation, if the proposed building location is in the City.

Subd. 2: A Conditional Use permit for a building move is void if the additional information required by Section 67.05, Subd. 1, above is not provided in a timely manner.

Subd. 3: In consultation with the Chief of Police and the Public Works Supervisor, the Building Official may deny the proposed moving date and hours if the move at that time would unreasonably interfere with the public's use of a street or highway, or would otherwise adversely affect the public interest.

Subd. 4: The Building Official may deny use of the proposed building mover if the proposed building mover's equipment is not in compliance with federal and state requirements, the proposed building mover does not have a current license or insurance as required by state law, or the proposed building mover has previously been unreliable or irresponsible in complying with City requirements.

Subd. 5: The Building Official must notify the applicant in writing of a denial at least three business days before the proposed moving date, giving the reasons for the denial. The applicant may file a written appeal of this decision with the City Clerk/Administrator, to be heard by the Council at its next available meeting, unless the applicant selects a later date.

Section 67.06: BUILDING MOVING CONDITIONS.

Subd. 1: A licensed building mover must comply with the following when moving buildings into, within, or out of the City. The building mover must:

- a) move a building only in compliance with the permit conditions and only over the streets and other property designated for that use in the permit;
- b) obtain prior permission from the Chief of Police and Public Works Supervisor for any changes in the route or times for the move;
- c) notify the Police Department at least one hour in advance of the proposed move;
- d) notify the Public Works Supervisor of all damage done to property during the move within 24 hours after the damage has occurred;

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- e) be responsible for all damage caused by the move and pay the cost to correct the damage or the value of the property lost because of the damage;
- f) comply with state and county requirements for over-sized vehicles and loads;
- g) when necessary, erect and maintain barricades across the streets to protect the public from damage or injury because of the move;
- h) complete the move within 48 hours after either:
 - 1. the building crosses into the City, if moved from a location outside the City; or
 - 2. the building is raised from its original foundation, if moved from a location within the City.

A move is complete when the structure has been moved to the precise location shown on the approved plot plan and the equipment used to move the building has been removed;

- i) pay the expense of employees or other individuals who are required by the City to accompany or monitor the movement of the building for the purpose of ensuring compliance with the moving permit or protecting the public health, safety or welfare; and
- j) comply with all applicable state laws and local ordinances.

Subd. 2: A building mover cannot transfer its obligations under Section 67.06, Subd. 1, to the building owner or any other party, except where the responsibility for damage is insured by a contract for liability insurance.

Subd. 3: Within 120 days after the date of the permit issuance, the building must be moved, the State Building Code requirements met as they apply to the structure at its new location, and a certificate of occupancy or a satisfactory final inspection report from the City Building Official for the building received.

Subd. 4: Within 180 days after the date of the permit issuance, all proposed exterior improvements to the building shall be completed; and within 240 days after the date of the permit issuance, all landscaping on the premises shall be completed.

Subd. 5: A person must not cause or permit a structure that has been raised from a foundation and placed on supports to:

- a) remain at a location or locations in the City, other than the new permanent location, for longer than 48 hours; or

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- b) remain on any property without the property owner's permission.

Subd. 6: The applicant, the landowner and the contractor hired to be responsible for the work must not leave rubbish or other materials at the site from which the building is moved or otherwise allow that site to remain in an unsafe, unsanitary or unsightly condition.

Subd. 7: The applicant, the landowner and the contractor hired to be responsible for a building foundation must not allow an open and unattended foundation to remain unsecured for more than a two-hour period immediately after a building has been raised from the foundation. Foundations must be fenced or secured in some other manner to prevent uninvited access, particularly by children, to the open foundation.

Subd. 8: The applicant, the landowner and the contractor hired to be responsible for a building foundation must not allow a foundation from which a building has been removed to remain open longer than seven days after the building was removed. The foundation must be removed and the cavity filled with appropriate earth materials that are graded level with the adjacent areas, or be used in the construction of a new building, if approved by the building official.

Subd. 9: No later than the time required by Section 67.06, Subd. 8, above for filling the foundation from which a building has been removed, the applicant, the landowner, and the contractor hired to be responsible for the work must properly:

- a) abandon and seal any wells,
- b) fill or remove any septic tanks remaining on the original site of the building, and
- c) properly shut-off and disconnect any utilities, as specified by the utility provider.

Subd. 10: The building must be connected to the foundation at its new location in accordance with the City Building Code within ten days after the move has been completed.

Subd. 11: The applicant, the landowner and the contractor hired to be responsible for the work must construct and provide all necessary and proper drainage and erosion control for the premises on to which the building is to be moved or moved from, such drainage to be installed and constructed according to plans submitted by the landowner and approved by the Public Works Supervisor. Erosion control measures shall be in accordance with all City storm-water/NPDES requirements.

Subd. 12: Variances from the provisions of this Section may be granted by the City Council upon good cause shown.

Subd. 13: A failure to comply with a Conditional Use permit provision, State Building Code requirement, or condition in this Section will result in a forfeiture of the bond or cash deposit. The City may use the bond proceeds or cash deposit to complete unfinished work

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required by the permit, the State Building Code, or this Section, or to pay for any damage caused by the move.

Section 67.07: ENFORCEMENT. This Section will be enforced by the Building Official, the Chief of Police, and authorized agents.

Section 67.08: VIOLATION A MISDEMEANOR. Any person violating any of the provisions of this ordinance by doing any act, or omitting to do any act, which constitutes a breach of any section of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section because of the failure to perform such duty.

Ordinance adopted 2/2007