

SUBMISSION REQUIREMENTS FOR BUILDING MOVING REQUEST

Prior to Application Package Submission

The City Building Official must inspect the proposed building in order to:

- a. Determine if building is capable of the proposed move.
- b. If building can meet Code requirements after moved to new location

Application Package Submission

1. **Application package must be submitted 40 days previous to the meeting date.**
2. Notices are published in the local newspaper and mailed to property owners within 500 feet. Applicants are encouraged to personally contact adjacent property owners prior to the hearing in order to explain the building moving request and to be prepared to address their concerns.

Submission Requirements

1. Certified survey showing lot lines and setbacks of proposed structure. Survey must be to scale.
2. List of proposed building improvements.
3. Existing and proposed elevations, building changes.
4. Pertinent topographical features such as trees, fences, berms, steep slopes, pond areas, and roads.
5. Color photographs depicting:
 - a. Two or more views of building to be moved.
 - b. Lot on which the building is to be located.
 - c. Structures thereon adjacent to the lot on which the building is to be located.
6. Letter addressed to the Planning Commission explaining general construction details, size and year of construction of building proposed to be moved, and any proposed changes to be made after moving the building.
7. Written statement, bill of sale, or other written evidence that the applicant is entitled to move the building.
8. Plan showing access to City sewer and water or plan locating septic system and well.
9. Preliminary outline of estimated building moving cost, that is, itemized cost of move, and new foundation.

Moving Schedule

Outline of moving schedule which is to include:

1. Date lifted off existing foundation.
2. Date moved to proposed foundation.
3. Date lowered onto proposed foundation
4. Date of completion of any proposed changes.

Moving Route

1. Indicate moving route, including identification of streets or roads over which the building is to be moved, the distance in miles.
2. Written evidence that any County or State highway used is permitted.
3. Written evidence from City Engineer of permission to move building over City streets.

Prior to Move/Issuance of Building Permit

1. Evidence of fully paid tax statements for:
 - a. Existing building and lot.
 - b. Proposed lot.
2. Finalized itemized moving cost/improvements.

3. Bond or letter of credit for 75% of estimated moving cost submitted to the Building Department

Potential Reasons for Denial

1. The building proposed to be moved is more than 10 years older than the oldest building situated on lands abutting the land to which the building is to be moved.
2. The building is unable to meet minimum building code requirements.

Chapter 10, Section 10.05

The applicant is responsible for information contained in Chapter 10, Section 10.05 entitled Permits and Special requirements for moving a building.

***INSUFFICIENT SUBMISSIONS COULD RESULT IN DELAYED PUBLIC HEARING**

SECTION 10.05. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

Subd. 1. Definition. "Street" or "streets" as used in this Section mean all streets and highways in the City which are not State trunk highways, County State-aid highways, or County roads.

Subd. 2. Moving Permit Required and Application.

- A. It is unlawful for any person to move a building on any street without a moving permit from the City.
- B. The application for a moving permit shall state the approximate size and weight of the structure or building proposed to be moved, together with the places from and to which it is proposed to move the same, and proposed route to be followed, proposed dates and times of moving and parking, and the name and address of the proposed mover. Such application shall also state any municipal utility, street, and public property repairs or alterations that will be required by reason of such movement.
- C. Permit and Fee. The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota. Fees to be charged shall be separate for each of the following: (1) a moving permit fee to cover use of streets and route approval, and (2) a fee equal to the municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. The latter shall be paid in advance.

Subd. 3. The building mover shall:

- A. Use Designated Streets. Move the building over those streets only which are designated for such use in the permit.
- B. Notify of Revised Moving Time. Notify the Building official in writing of any desired change in the date or times of moving the building from that indicated in the application and conduct moving operations only on the date and at the times designated in the application or approved in writing by the Building Official and notify the Chief of Police at least twenty-four (24) hours prior to commencing movement of the building.
- C. Notify of Damage. Notify the Building Official in writing of damage caused to property belonging to the City or any public utility within twenty-four (24) hours after the damage or injury has occurred.
- D. Display Lights. Cause red lights to be displayed during the night time on each side of the building while situated on a public street in such manner as to warn the public of an obstruction, and at all times erect and maintain barricades across such streets as shall be necessary and in such manner as to protect the public from damage or injury by reason of the presence, movement or removal of the building. Warning lights with open flames shall not be used.
- E. No Parking. Not park the building on any City street at any time during the moving process.
- F. Comply With Governing Law. Comply with the Building Code, the provisions of the City Code and all other laws.
- G. Pay Expense of Officer. Pay the expense of any traffic officer ordered by the City Manager to accompany the movement of the building to protect the public from injury.

Subd. 4. Owner's Permit Required and Application.

- A. It is unlawful for any owner of land to or from which a building is to be moved to permit such movement without an owner's permit.
- B. Application. A person seeking issuance of a permit hereunder shall file an application for such permit with the City's Building Official in writing, upon forms provided by the Building Official. The application shall include the address and legal description of the land on which the building is situated and, if within the City, to which it is proposed to be moved; the route including identification of streets or roads over which it is to be moved; the distance; the proposed date of movement; the status of any outstanding taxes and such other information as the City shall require for the determination to be made hereunder. The application shall not be accepted for filing unless accompanied by the following:
 - 1. Evidence that all real estate taxes and special assessments against the building and land from which it is to be removed are paid in full.
 - 2. A written statement, bill of sale or other written evidence that the applicant is entitled to move the building.
 - 3. Written evidence of arrangements with all public utility companies whose wires, lamps or poles are required to be removed, for the removal thereof by the applicant.

4. A cash deposit from the owner of the lot from which the building is to be moved in the sum of \$1,000.00 as an indemnity to ensure completion of the following work: (1) capping the well; (2) abandoning sewerage system as required by the City; and (3) filling all excavations to grade, removing all rubbish, and leaving the premises in a safe and sanitary condition.
5. A cash deposit or letter of credit, the amount of which shall be 75% of the estimated cost, as determined by the City, to bring the building so moved into conformance with applicable Building Code requirements.
6. Payment of the permit fee.
7. If the building is to be located within the City after its movement, a survey by a licensed surveyor of the land to which the building is to be moved, including the location of the building in relation to the boundaries of the land.
8. If the building is to be located within the City after its movement, photographs of (1) two or more views of the building to be moved; (2) the lot on which the building is to be located; and, (3) the lands, and structures thereon, adjacent to the lot on which the building is to be located.

C. Duties of the Building Official. Inspection. Upon receipt of the application accompanied by the fee, deposit, statement and information required, the Building Official shall review the application and make such investigation as he shall deem appropriate. He shall also obtain the recommendation of the Chief of Police and City Engineer with respect to the streets and roads on which the building may be moved to assure the greatest degree of safety to persons and property and to minimize congestion on public streets. Upon completion of his review and investigation, the Building Official shall:

1. Deny the permit for moving a building to a location other than within the City, stating in writing one or more of the grounds stated in Subd. 13 of this Section or authorize issuance of a permit; or,
2. In all other instances, make his report to the Board of Adjustments and Appeals.

D. Board of Adjustments and Appeals - Public Hearing.

1. Where applicant requests the moving of a building to a location within the City, the Board shall hold a public hearing on whether a permit shall be issued not later than sixty (60) days after the application has been accepted for filing. Notice, including the time, date, place and purpose of the hearing shall be given by publication in the official newspaper of the City and by mailing to the owners of real property situated with five hundred (500) feet of the land to which the building is to be moved at least ten (10) days prior to the date of the hearing. Notice containing the same information shall be posted on the property to which the building is to be moved, not less than thirty (30) days prior to the date of the hearing. Failure to give mailed notice or any defect in the notice shall not invalidate the hearing or any proceedings taken thereat.
2. Not later than five (5) days after conclusion of the hearing the Board shall either deny the permit in writing stating one or more of the grounds stated in Subd. 13 of this Section or authorize issuance of a permit.

E. The landowner shall:

1. Clear Old Premises. Remove all rubbish and materials and fill all excavations to existing grades at the original building site, if within the City, so that the premises are left in a safe and sanitary condition. All foundation structures shall be removed to a depth of eighteen (18) inches below the finished grade of the earth.
2. Remove Service Connections. Cause any sewer lines to be plugged with a concrete stopper and the water to be shut off if the original building is within the City. The holder of the permit shall notify gas, electric and other utilities to remove their services.
3. Completion of Remodeling. If the building is relocated in the City, complete within ninety (90) days after removal, all remodeling, additions or repairs as indicated in the application, in any document filed in support thereof, or in any building permit issued in connection therewith.
4. Take all reasonable precautions to secure the building and to reduce danger to any member of the public until the building is set on its foundation and any remodeling, additions or repairs described in the application have been completed, including but not limited to: (1) locking all doors and windows; (2) providing sufficient support or bracing so as to stabilize the building to prevent it or any part thereof from sliding, slipping, falling or moving; and (3) erecting and maintaining a security fence or wall the base of which shall be no higher than four inches and the

top of which shall be at least four feet above the surface of the ground and which shall enclose the entire building as well as the excavation for the foundation.

Subd. 5. Liability to City.

- A. Holders of Permits Liable for Amounts Exceeding Deposit. The holder or holders of a permit shall be liable jointly and severally for any expenses, damages, or costs paid or incurred by the City as a result of the issuance of a permit or the taking or failure to take any action by the holder or holders of the permit or the City hereunder.
- B. Retention of Cash Deposit. The City may take or cause to be taken any of the following actions and may retain so much of the cash deposit necessary to reimburse itself for any costs or expenses incurred as a result thereof:
 - 1. If the City in its sole discretion determines that the premises from which or to which the building is to be moved, if within the City, or the movement of the building through or within the City is unsafe or constitutes any other unsafe condition, the City in its sole discretion may, but shall not be required to, take or cause such action to be taken to eliminate such unsafe condition or conditions as it shall deem appropriate.
 - 2. If the premises from which the building has been removed are within the City and such premises are left in an unsafe or unsanitary condition or the provisions of this Section with respect to such premises have not been complied with, the City may, but shall not be required to, in its sole discretion take or cause such action to be taken to remedy such unsafe or unsanitary condition and to place the premises in such condition as to be in compliance with this Section.

Subd. 6. Fees and Deposits.

- A. Return Upon Non-Issuance. Upon denial of a permit, there shall be returned to the applicant all deposits, bonds and insurance policies or certificates therefor. The fee filed with the application for the permit shall not be returned.
- B. Return Upon Allowance For Expenses. Upon completion of the moving of a building pursuant to a permit, the amount which the applicant has deposited in conjunction with the filing of the application shall be returned to him, less all amounts which any holder of a permit shall or may become liable to the City and which the City may retain under any provision of this Section. The permit fee paid upon filing of the application shall not be returned.

Subd. 7. Review or Appeal by the Council.

- A. The Council may upon petition of a resident of the City or upon its own motion, elect to review any decision of the Building Official or the Board authorizing or denying issuance of a permit; or the denial of a permit may be appealed by the person who has made application therefor. Election to review must be taken by the Council by resolution duly adopted, or an appeal must be made by the applicant by filing notice thereof with the City Clerk within twenty (20) days from the date of denial of or authorization for issuance of a permit.
- B. A hearing on the election to review or appeal shall be heard by the Council no later than thirty (30) days after the election to review has been made or notice of appeal has been filed. Review shall be made upon all of the files, documents and records of the proceedings in the matter and the Council may consider such additional evidence as it shall deem appropriate. The Council may affirm, reverse or modify the action of the Building Official or the Board in accordance with the provisions hereof and may make its action subject to such conditions as may be appropriate.

Subd. 8. Moving Hours. No person shall move any building on any public street or highway within the City at any time other than during the hours of 1:00 o'clock A.M. to 5:30 o'clock A.M.

Subd. 9. Moving Days. Any person moving a building through the City for which a permit shall not be required shall move such building through the City within a period of no more than seven (7) days.

Subd. 10. Conditional Permits. Any permit granted under the terms of this Section, whether by the Building Official, Board of Appeals and Adjustments, or the Council, may have attached thereto written conditions which shall be strictly adhered to by the permittee.

Subd. 11. Building Permits and Certificates of Occupancy.

- A. Whenever an application is made to move a building which would not, after moving, comply with all then-current building codes or if changes are required or contemplated, contemporaneously with such application, a separate building permit shall also be applied for.
- B. No moved building, whether or not a separate building permit is required under Subparagraph A of this Subdivision, shall be occupied before the City issues a Certificate of Occupancy therefor.

Subd. 12. Building Mover Endorsement. No permit to move a building shall be granted to the owner thereof unless it is endorsed by a building mover licensed by the State, acknowledging that he knows the contents of this Section and agrees to be bound hereby and by all conditions placed upon such permit relating to hours, routing, movement, parking and speed limit.

Subd. 13. Denial of a Permit. Any permit under this Section shall be denied upon a finding of any one of the following:

- A. Applicant has not complied with any requirement of this Section.
- B. Persons or property in the City would be endangered by moving the building because of shape, size, route, or for any other reason;
- C. The building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it would constitute a danger to persons or property in the City;
- D. The building is structurally unsafe or unfit for the purpose for which moved, if the location to which the building is to be moved is in the City;
- E. The equipment for moving the building is unsafe and persons and property would be endangered by its use;
- F. The building or its use would not be in compliance with zoning, building codes or other provisions of the City Code, if the location to which the building is to be moved is in the City; or
- G. If the location to which the building is to be moved is in the City, the building is in substantial variance with either the established or the expected pattern of building development within the neighborhood to which the building is to be moved. Comparative age, bulk, architectural style and quality of construction of both the building to be moved and the buildings existing in the neighborhood shall be considered in determining whether a building is in substantial variance. If the building to be moved is more than ten (10) years older than the oldest building situated on the lands abutting the land to which the building is to be moved, such fact shall be evidence that the building to be moved is in substantial variance.

Source: Ordinance No. 71-84
Effective Date: 4-5-84

SECTION 10.06. BUILDING PERMITS REQUIRED.

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building or mechanical permit for each such building, structure or mechanical components from the City.

SECTION 10.07. PERMIT FEES.

Fees for all permits under this Chapter, which may include a surcharge, shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the Building Official and uniformly enforced.