

ORDINANCE NO. 4264

AN ORDINANCE REPEALING CITY CODE SECTIONS 18-269, 18-270 and 18-271 AND REPLACING THEM WITH NEW REQUIREMENTS PERTAINING TO THE MOVING OF BUILDINGS

Be it ordained by the Governing Body of the City of Independence, Kansas:

Section 1.

City Code Sections 18-269, 18-270 and 18-271 found in Chapter 18 of Article VI of the Independence City Code are hereby repealed and replaced with the following Sections.

Section 2. Permit.

a) *Required.* It shall be unlawful for any person to move any building or structure which exceeds the height, width or weight requirements found in K.S.A. 8-1901, 8-1902, and 8-1904 over or across any street, avenue, alley or other public place without first having obtained a permit from the Building Official or a designated agent.

b) *Business license required.* Permits shall be issued only to a house mover holding a valid business license issued by the City.

c) *Application; contents.* Applications for permits to move a building or structure shall be made to the Building Official or designated agent, and every such application shall include all of the following:

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 structure;
6. The date and time of the proposed move;
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.

d) *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 building or structure is to be relocated. If he 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, sidings, 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.

e) *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.

f) *Conditions of permit.* If the applicant complies with the provisions of this article and the Building Official determines the building or structure will not be a blighting influence, a permit for the proposed work shall be issued. The permit holder shall notify the codes enforcement division at least 24 hours before starting the move.

g) *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 3. Performance bond for necessary improvements.

If a building or structure to be moved is found by the Building Official not to comply with adopted building codes or is found to be a blighting influence on the property in the relocated area and the owner for the proposed new locations of such building or structure agrees to make certain specified repairs, alterations and improvements after such building or structure has been relocated, then before a moving permit is issued, the owner shall give or cause to be given to the City a performance bond filled with the City Clerk and approved by the City Attorney in the sum of \$10,000.00, with sufficient surety or cash, conditioned that such owner will faithfully comply with the requirements of the Building Official and perform the improvements as set out in such person's written agreement to be done after such building or structure has been relocated. Such performance bond or cash bond shall further provide that the repairs, alterations and improvements shall be completed within six months after such building or structure has been relocated.

Section 4. Bond for damages to City property.

Upon receipt of an application, the Building Official shall institute or cause to be instituted, an investigation of the building or structure to be moved and the proposed route to

be used in such moving. If the Building Official deems the proposed route to be impractical or to cause probable damage to public services or to the public streets, avenues or alleys, he may designate some other practicable route for such moving and shall issue a permit for such moving over the route applied for or the route substituted. No permit shall be issued until the applicant executes and delivers to the City a bond, with sufficient surety or cash, in the sum of \$10,000.00 to be filed with the City Clerk and approved by the City Attorney, which bond shall provide for the payment of all damages the City may sustain to any of its streets, avenues, alleys, bridges, culverts or other property and holding the City harmless from any and all claims that may rise against the City by any person for damages to the person or property caused by or on account of the moving of such building or structure over and along the streets or other public places in the City. The applicant shall also file with the City Clerk a certificate of coverage confirming a commercial general public liability insurance policy; which policy shall provide at least \$500,000.00 combined single limits coverage for bodily injury, death personal injury and property damage.

Section 5. Safety precautions during nighttime.

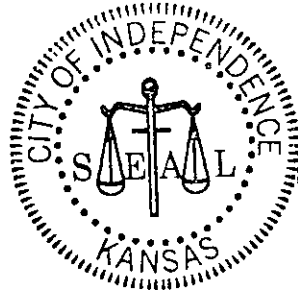
Every house mover shall, while the building is being moved upon or over the streets of the city in the nighttime, properly and safely guard the same by placing or securely attaching to each corner of the building flashing and operational red lights, all of which shall be kept burning during the nighttime 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 the City shall keep and maintain type "A" warning lights at night 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 6.

This Ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 14th day of December, 2017.



Fred D. Meier

Fred D. Meier, Mayor

ATTEST:

Michael A. Borovetz

Michael A. Borovetz, City Clerk