

AN ORDINANCE relating to the movement of buildings; establishing regulations to control the movement of buildings on public rights of ways; setting a permit fee; and, providing penalties for violations.

WHEREAS, the Gig Harbor City Council determined that the present ordinance (No. 89) does not adequately control the moving of buildings on public right of ways; and,

WHEREAS, the City Council repealed Ordinance No. 89 by Ordinance No. ; and

WHEREAS, the City Council finds it necessary to continue the regulation of moving buildings for the health, safety, and welfare of the public; NOW, THEREFORE,

The City Council for the City of Gig Harbor DO ORDAIN as follows:

Section 1. Definitions.

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given in this section:

- A. "Building" shall mean a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.
- B. "Building inspector" shall mean the person appointed as the official building inspector for the City of Gig Harbor.

Section 2. Permit required.

No person, corporation, firm or organization shall move any building over along or across any public highway, street, or alley in the City without first obtaining a permit from the building inspector.

Section 3. Permit application.

A person seeking a permit under this ordinance shall file an application with the building inspector upon forms provided by the City. The application shall set forth:

- A. A description of the building(s) to be moved to include dimensions and condition of exterior and interior;
- B. A legal description of the lot from which the building is to be moved, if located in the City;
- C. A legal description of the lot to which the building is to be moved, if located in the City;
- D. The route over which the building is to be moved;
- E. Proposed moving date and hours;
- F. Any additional information which the building inspector or the Chief of Police find necessary to make a determination.

Section 4. Application fee.

Application for a permit shall be accompanied by a fee of Twenty Dollars (\$20.00) for each building proposed to be moved.

Section 5. Insurance.

The applicant shall show proof of liability insurance in a combined single limit amount of \$500,000 for each incident. A specimen copy of the insurance certificate shall be filed with the application and shall name the City of Gig Harbor as an additional named insured.

Section 6. Deposit for expense of City.

Upon receipt of an application, the Director of Administration shall estimate the expense to remove and replace any City property to accomodate the moving of a building(s). Prior to the issuance of a permit, the Director shall require the applicant to deposit a sum of money equal to twice the estimated expense.

Section 7. Cash deposit or surety bond.

The applicant shall deposit with the Director of Administration a cash deposit or corporate surety bond in the sum of two thousand dollars as indemnity for any damage which the City may sustain which may be caused by or be incidental to the movement of a building over, along, or across any public right of way in the City.

Section 8. Inspection by Building Inspector.

The Building Inspector shall inspect the building(s) and the applicants equipment to determine if the standards for issuance are met.

Section 9. Standards for issuance.

The Building Inspector shall deny a permit if:

- A. Any application requirement or any fee or deposit requirement has not been complied with;
- B. The building is too large to move without endangering persons or property in the City;
- C. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;
- D. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
- E. The applicant's equipment is unsafe and that persons and property would be endangered by its use;
- F. Zoning or other ordinances would be violated by the building in its new location;

Section 10. Appeal procedure.

Upon denial of a permit by the Building Inspector an applicant may appeal to the City Council by filing a written notice of appeal with the Director of Administration within ten (10) days following notice of denial.

Section 11. Building Inspector to designate street(s) for removal.

The Building Inspector shall designate the streets over which the building may be moved. The Building Inspector shall have the list approved by the Police Department. In making their determinations the Building Inspector and the Police Department shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

Section 12. Duties of permittee.

The holder of a building moving permit(s) shall:

- A. Use designated streets. Move a building only over streets designated for such use in the written permit.
- B. Notify of revised moving time. Notify the Building Inspector in writing of a desired change in moving date and hours as proposed in the application.
- C. Notify of damage. Notify the Building Inspector in writing of any and all damage done to property belonging to the City within twenty-four hours after the damage or injury has occurred.
- D. Display lights. Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
- E. Street occupancy period. Remove the building from the City streets after 24 hours of such occupancy, unless an extension

is granted by the Building Inspector.

- F. Comply with governing law. Within six months from the date of issuance of the permit, comply with the City building, fire and zoning ordinances, and all other applicable ordinances and laws upon relocating the building in the City.
- G. Pay expense of officer. Pay the expense of a traffic officer ordered by the Building Inspector to accompany the movement of the building to protect the public from injury.
- H. Clear old premises. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
- I. Notify utility and transportation companies. Notify each utility or public transportation company of any of its property that may be encountered in the moving route.

Section 13. Fees and deposits.

- A. Return upon nonissuance. Upon the refusal of the Building Inspector to issue a permit, the Director of Administration shall return to the applicant all fees, deposits and bonds.
- B. Return upon allowance for expense. After the building has been removed, the Director of Administration shall prepare a written statement of all expenses incurred in removing and replacing all property belonging to the City, and all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the City; provided, however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The Director shall return to the applicant all deposits after deduction of a sum sufficient to pay for all of the cost and expenses and for all damage done to property of the City by reason of the removal of the building.

Section 14. Enforcement.

- A. Enforcing officers. The Building Inspector and the Police Department shall enforce and carry out the requirements of this ordinance.
- B. Permittee liable for expense above deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
- C. Original premises left unsafe. The City shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where permittee does not comply with the requirements of this ordinance, and the cost thereof shall be charged against the general deposit.

Section 15. Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a infraction of law, punishable by a fine of up to \$1,000.00.

Section 16. Severability.

If any section, sentence, clause, or phrase of this ordinance should be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 17. Effective date.

This ordinance is effective and in full force five (5) days following its approval, passage and publication by law.

PASSED at a regular meeting of the City Council held on
the 27th day of June, 1983.

Ruth M. Bogue
Ruth M. Bogue, Mayor

ATTEST:

Jeff Snider
Jeff Snider,
Administrator/Clerk