

ORDINANCE NO. 586

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE V, "MOVING OF BUILDINGS" OF THE CODE OF THE CITY OF RIVER OAKS (1965), AS AMENDED; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has determined that certain amendments should be made to the current City Code provisions relating to the moving of buildings or structures in the City for the protection of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

That Chapter 5, Article V, "MOVING OF BUILDINGS" of the Code of the City of River Oaks, is hereby amended to read as follows:

Sec. 5-63. Permit Required.

It shall be unlawful for any person to move or relocate a building, structure or portion thereof, except portable storage buildings not greater than ten (10) feet in width, twenty (20) feet in length, and twelve (12) feet in height, within the corporate limits of the City without first obtaining a permit from the City Secretary. No permit will be required to move a building or structure being moved over any state or federal highway within the City provided it is being moved under a permit issued by the Texas Department of Transportation and when the moving route is confined to a state or federal highway. For one building or structure being moved in multiple sections, only one permit is required.

Sec. 5-64. Application for Permit.

- (a) Any person desiring to move or relocate any old or used house, building or structure within the corporate limits shall file any application with the City Secretary requesting that he be permitted to do so. Written application for such permit shall be filed with the City Secretary at least forty-eight(48) hours prior to the actual moving of the structure. Upon filing an application for a permit, the applicant shall pay a fee of \$100.00 for the cost of processing the permit application.
- (b) The application shall contain the following information:
 - (1) Name, address and telephone number of applicant;
 - (2) Description and size of house, building, or structure to be moved along with its present location, together with a picture thereof;
 - (3) The present location of the house, together with a picture thereof;
 - (4) Legal description of the lot and the local address upon which the house, building, or structure is to be moved or relocated if a permit is granted;
 - (5) A drawing or plot plan showing the dimensions of the lot or tract of land upon which the house, building, or structure is to be moved or relocated, the location of existing buildings or structures upon the lot, if any, and the location of existing buildings or structures upon adjoining lots;
 - (6) The proposed route, including the time and date when the applicant proposes to move or relocate the house, building, or structure;
 - 1. The proposed route for the move must be signed and approved by the Police Chief, or his designee, on the approval form attached hereto as Exhibit "A";
 - (7) Intended use of the house, building, or structure.
- (c) Permit application form are attached hereto as Exhibit "B".

Sec. 5-65. Investigation Of Application By Building Official.

- (a) Upon filing of the application, the Building Official shall investigate the application by inspecting the house, building, or structure to be moved or relocated upon the lot or tract of land, and the lot or tract of land upon which the house, building, or structures is to be located. He shall then advise the City Secretary whether the

house, building, or structure meets the requirements of the building code and other applicable ordinances of the City and whether the lot and house, building, or structure, if allowed to be moved onto the designated lot or tract of land, would meet all of the requirements of the building code and other applicable regulations of the City.

Sec. 5-66. Issuance of Permit.

A permit shall not be issued if:

- (a) The house, building or structure to be moved does not or cannot meet all the requirements of all applicable ordinances of the City;
- (b) The lot or tract of land with the house, building or structure thereon would not meet all of the requirements of the applicable ordinances of the City;
- (c) The moving of such house, building, or structure upon or from the lot or tract of land would cause injury to persons or property or damage to the streets or other public improvements;
- (d) The proposed route has not been approved by the Chief of Police;
- (e) The applicant cannot ensure that he has the financial resources to bring the building up to City standards within ninety (90) days after completion of the move;
- (f) The applicant cannot ensure that the grounds from which a building is removed will be completely cleared, leveled, and cleaned within ninety (90) days after permit is issued.

Sec. 5-67. Insurance and Bonding Requirements.

- (a) No permit shall be issued unless the applicant shall file with the City Secretary a surety bond by a surety acceptable to the City in the sum of not less than five thousand (\$5,000), which bond shall protect the City from all costs and damages which may result in the moving of any building or structure.
- (b) The applicant shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State and in the standard form approved by the State Board of Insurance Commissioners. Such policy shall

contain a provision that the City shall be fully indemnified. Such insurance policy shall insure the public from any loss or damage that may arise to any person or property by reason of the moving of a building or structure by the applicant and providing that the following recovery limits be not less than the following:

- (1) For damages arising from bodily injury to or death of one (1) person in any one accident - \$100,000
- (2) For damages arising from bodily injury to or death of two (2) or more persons in any one accident - \$300,000
- (3) For injury to or destruction of property in any one accident - \$50,000

- (c) The City Council may waive any insurance or bonding requirements provided for herein or may require a lesser amount of coverage if in its opinion the public will be adequately protected.

Sec. 5-68. Escort Required.

No person shall move any building or structure across or along any public way within the City limits without an escort. All escort vehicles shall be adequately marked and lighted.

Sec. 5-69. Restrictions on Moving Time and Conditions.

The moving of any building or structure across or along any public way within the City limits pursuant to this Article shall occur only during daylight hours, and only on Monday, Tuesday, Wednesday, Thursday or Friday. No building or structure shall be moved during any hazardous weather conditions, or when visibility is reduced to 2/10 of a mile or less.

Sec. 5-70. House Mover To Make All Arrangements.

Upon the issuance of said permit, the house mover shall make all arrangements with the public utilities, railroads, and other persons, firms, or corporations whose facilities are involved in such movement, for the removal, relocation, and replacement of wires, poles, or other improvements, to enable the building or structure to be moved without causing damage.

Sec. 5-71. Notice To Utility Companies.

Before the moving of a building is commenced, it shall be the duty of the permit holder to give notice of the move to all companies maintaining overhead wires across or along any street or alley included in the designated route and to secure written clearance for such companies. If it is necessary to temporarily move any

such wires to accommodate the moving of the building, the same shall be at the expense of the building mover, if the wires are eighteen feet (18') above the right-of way. If the wires are less than eighteen feet (18') above the right-of-way, they shall be moved at the expense of the utility company. The shortest measurement between the overhead wire and the center point of the right-of-way shall be used for the purposes of this Article.

Sec. 5-72. Water And Sewer Connection Mandatory.

Any building or structure moved into the City shall be connected to the water and sewer system of the City before a certificate of occupancy can be issued for the building or structure if the building or structure is to be used for any purpose other than storage.

Sec. 5-73. Parking On Public Property.

No building or structure for which a permit has been granted shall be allowed to remain, park, or stand upon the public streets or other public property within the City for more than twenty four (24) hours, except in cases of emergency in which event the building or structure must be removed from the public streets or public property within forty-eight (48) hours after the emergency has arisen.

Sec. 5-74. Issuance Of Certificate Of Occupancy.

No person shall occupy such house, building or structure permitted to be moved until the building official issues the permittee a Certificate of Occupancy. No Certificate of Occupancy shall be issued until the house, building, or structure complies with all conditions of the permit and all requirements of all applicable ordinances of the City.

Sec. 5-75. Liability Of City Under This Article.

Neither the City nor any authorized agent acting under the terms of this Article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Article.

Sec. 5-76. Exceptions.

This Article shall not apply to the movement of oversized equipment or buildings or structures of a temporary nature, when such equipment, buildings or structures are within the legal road limit as required by state statutes.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of Chapter 5, Article V, of the Code of Ordinances of the City of River Oaks (1965), as amended, or any other ordinances affecting the moving of buildings which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement on any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by Chapter 7, Section 4 of the Charter of the City.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 28TH DAY OF AUGUST, 2001.

/s/ JACK ADKISON
MAYOR

ATTEST:

/s/ BONNIE GIBBS
CITY SECRETARY