

**ORDINANCE NO. # 015-03**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS AMENDING ORDINANCE NO. #003-99, REGULATING THE MOVING OF BUILDINGS; REQUIRING PERMITS; PROVIDING PENALTIES; PROVIDING OPEN MEETINGS AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:**

**Section 1. Moving of Buildings.**

(a) **Persons Allowed to Move Buildings.** Except as specifically provided in this Ordinance, only bonded movers having a valid permit issued by the City shall move any building within the City limits.

(b) **Permissible Hours.**

(1) No building or portion thereof shall be on any street within the City, except during the time authorized by a permit thereof. If the permit does not restrict the hours, the building may be moved at anytime prior to the expiration of the permit. The public works or police department may, for good cause, permit the moving only within specified hours of the day. If specific hours for the move are established and the move cannot be made within such hours, the permittee may request and obtain written permission for time change before proceeding with the move.

(2) It shall be unlawful for any owner of a building being moved to suffer or permit any person such building to violate this subsection 1(b)(2). It shall be unlawful for any person to move any building or portion thereof upon, over or across, or to suffer or permit any such building or portion thereof to remain upon any street or alley at any time other than when such building is actually being moved.

(c) **Police Escort.** If the Chief of Police finds that the protection of public safety or property other than vehicles, trailers, dollies or cargo of the mover requires a police escort, and so advises the applicant, such shall be specified on the moving permit, and it shall be unlawful for such building to be moved upon, over, along or across any street or public place within the City unless accompanied by a uniformed police escort. It shall be unlawful for any person to refuse or fail to comply with lawful order or direction of any police officer escorting such move.

(d) **Cleanup and Basic Safety.**

1.

(1.) The building or structure to be moved and the site of the restoration work shall be kept in a clean and safe condition during repairs and remodeling. Each lot from which a structure or building is moved shall be left in a clean, raked condition not later than (10) ten days after the removal of the structure or building.

(2.) Upon any failure to comply with the provisions of subsection (1) above, the city is authorized to clean the lot by city contract or by city forces. The expenses incurred by the city shall constitute a lien against the real property cleaned by the city, and the lien shall run with the land. Issuance of the permit shall serve as notice and acceptance by permittee of these requirements.

(3.) The Building Official will inspect the site of all proposed destinations and placements. Property condition and placement must comply with all City Ordinances, Building Codes and Zoning as applicable.

(e) Damage to property. If the moving of a building pursuant to this ordinance causes or results in any damage to public or third party private property, the permittee shall forthwith place the same in as good repair as it was before the permit was granted. Upon the failure to make any such repairs with ten (10) days after notification, the director of public works may, as to city property, and the property owner may, as to private property, cause the necessary repairs to be made and the mover and permittee shall be jointly responsible for the payment of the costs. The permittee shall not cut or trim trees or shrubs on or over any public way or place with the permission from the director of public works, and shall not cut or trim trees or shrubs on or over any private property without permission from the owner or person in control of such property.

(f) New Buildings. Buildings moved or relocated shall be considered as new buildings and shall comply with all the requirements of the City's building codes and ordinances. Manufactured and/or mobile homes must be anchored in compliance with State and City Codes, and must have axles removed and must be underpinned with 10 days of placement.

## **Section 2. Permit Requirements.**

(1.) Required. No person shall move any building or portion thereof to another property, or along any public way or place, within the city, until such person shall have first secured a permit to do so from the Building Official.

(2.) Manufactured Homes being moved and installed by a certified installer.

(a) Application.

Applications for moving permits shall be made in the office of the City Secretary upon forms provided by the City and shall show at least the name of the owner, the name of the mover (including a copy of bond and license), the present use and location of the building, the future use and location of the building, the proposed route and time of move, and the loaded height and width.

(b) The application for a moving permit shall be accompanied by a tax certificate indicating that no delinquent taxes are outstanding on the properties involved.

(c) Fees and deposits.

Applications for moving permits shall be accompanied by an application fee in the amount of \$25.00. An inspection fee of \$25.00 will be paid to the City of De Leon after final inspection and approval. Failure to pay inspection fee will preclude water and sewer service to the property.

(d) Only one permit fee and one inspection fee shall be required for the moving of one principal building and its accessory buildings within the City limits, or from within the city to outside the city, or from outside the city into the city, if all such buildings and parts thereof are moved within a period of (20) twenty days, but in all other cases, a separate permit fee shall be required for each building or part thereof.

(e) Insurance and bond.

No person shall be issued a moving permit under this section, or move any building or portion thereof on the streets of the city, unless such person has currently in effect comprehensive public liability and property damage insurance covering any loss or damage that may be caused to any person or any property other than vehicles, trailers, dollies or cargo of such insured, in a minimum amount of five hundred thousand dollars (\$500,000.00) per occurrence.

The person receiving a moving permit shall file with the City a good and sufficient surety bond issued by a company authorized to transact such business in the state in an amount of not less than ten thousand dollars (\$10,000.00). Such bond may be filed in connection with one such permit or may cover all permits issued to the permittee during a period; but regardless of which type of bond is filed in connection with one such permit or may cover all permits issued to the permittee during a given period; but regardless of which type of bond is filed it shall be necessary that a permit be obtained for each house moving operation. The bond shall be payable to the City of De Leon for the use and benefit of the City and for other persons described in this ordinance, and shall be conditioned that the principal shall pay to the City of De Leon any damages to streets or other property owned or controlled by the City of De Leon, which damages are occasioned in any manner by the principal's use of his or her moving permit; that the principal shall indemnify and hold harmless the City of De Leon against any claims, damages, causes of action, costs and expenses, up to the limit provided for in this section, arising against the City of De Leon by reason of such operations; and that the principal shall comply with all lawful regulations and ordinances of the City and with the terms and conditions of the permit in connection with which this bond is filed.

(f) Approval by departments and public utilities. The applicant shall obtain the written approval of the permit by the director of public works, the police chief, the cable television operator, and each public utility affected by the move and within the City, including the applicant's proposed route, size of load, time of move, lighting and safety precautions and other features of the move. If any such department or utility shall inform the Building Official of reasons why such permit

should not issue, the applicant shall be entitled to amend his or her application and to take such remedial steps or precautions as may be necessary after being advised of the nature of any disapproval of his or her application.

(g) **Inspection.** The City shall be entitled to inspect the building to be moved; the proposed location of the building; and to satisfy itself that all applicable City ordinances will be complied with, or that satisfactory arrangements to comply with all such ordinances are made.

(h) **Issuance.** The City shall not issue a moving permit prior to the applicant obtaining the approval of the departments and utilities as required by this ordinance, and:

(1) A permit may be withheld from any applicant who has repeatedly violated the provisions of this ordinance. The City may also refuse to issue a moving permit for the removal of any building if it finds that it cannot be safely moved over the proposed route, or that it cannot or will not be made to comply with this ordinance and any other applicable city ordinances in its proposed new location.

(2) The decision of the Building Official to deny or grant a moving permit may be appealed to the City Council by the applicant, or any resident or property owner within three hundred (300) feet of the proposed move-on location. Written appeals shall be made to the City Council within (10) days after the issuance or denial of the permit and prior to the building being moved. During the pendency of an appeal to the City Council, the applicant shall stay all proceedings of the move.

(i) **Transfer.** It shall be unlawful for any permittee to transfer or attempt to transfer any permit or any rights secured to him or her by any permit issued under this ordinance.

(j) **Posting.** The final permit issued to the permittee shall describe the terms and conditions of the move fully. One copy of the permit shall be posted on the building before the same is moved and retained thereon until the conditions have been fully met.

(k) **Time limitations.** Permits shall be issued with a maximum move completion time of thirty (30) days. The Building Official may grant an extension of time. In event no work is commenced, the permit may be renewed without additional charge within thirty (30) days of the expiration date.

(l) **Permit Void.** A permit will be void if an applicant gives false or incorrect information; does not comply with the restrictions or conditions stated in the application for the permit, or those on the permit; fails to obtain any necessary permits from the state; increases the height of the building as proposed to be transported; changes the course of travel of the proposed move; or does not comply with information on the application or the permit.

(m) Prohibited. No building or structure shall be moved onto or placed upon any lot or parcel of land within the city unless the city shall first issue a building permit.

**Section 3. Penalty.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each violation shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein

**Section 4. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code*.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, .

The City Of De Leon, Texas

Attest:

\_\_\_\_\_  
**B. Gail Neeley**  
City Secretary

\_\_\_\_\_  
**John R. Adcock, Mayor**