

Chapter 1347
Moving of Buildings

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1347.01 PERMIT REQUIRED.

Any person desiring to move a building that measures more than eight (8) feet by ten (10) feet over, along, or across any highway, street or alley in the City shall first obtain a moving permit according to this Chapter and Chapter 1309.

1347.02 PERMIT APPLICATION; FEE.

- (a) Zoning Approval Required. Any building proposed to be moved to a location within the City of Bryan shall submit an application for a zoning certificate in addition to the moving permit.
- (b) Application Requirements. An application for a permit shall include:
- (1) A description of the building proposed to be moved, giving the street number, construction material, dimensions, number of rooms, and condition of exterior and interior;
 - (2) A legal description of the lot from which the building is to be moved, and indicating the lot, block and tract number, if located in the City;
 - (3) A legal description of the lot to which the building is proposed to be moved, and indicating the lot, block and tract number, if located in the City;
 - (4) The highways, streets and alleys over, along or across which the building is proposed to be moved;
 - (5) Proposed moving dates and hours;
 - (6) Any additional information that the Zoning Administrator determines is necessary to make a fair determination of whether a work permit should be issued.
- (c) Accompanying Documentation.

- (1) Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any City charges against the same are paid in full.
 - (2) Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence that he/she is entitled to move the building.
- (d) Fee. The application form shall be accompanied by the permit fee established by Council.

1347.03 DEPOSIT FOR EXPENSE TO CITY.

Upon receipt of an application, it shall be the duty of the owner or agent to procure from the Street Commissioner and Director of Bryan Municipal Utilities an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the Zoning Administrator shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expense.

1347.04 BOND; INSURANCE.

- (a) Bond. Any person filing an application hereunder shall file with the Zoning Administrator a bond approved as to form by the City Attorney, executed by a bonding or surety company authorized to do business in the State in the amount of three hundred thousand dollars (\$300,000.00), conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the City for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.
- (b) Insurance Policy in Lieu of Bond. Any person filing an application hereunder may, in lieu of the bond required in subscription (a) hereof, file with the Zoning Administrator a liability insurance policy, issued by an insurance company authorized to do business in the State, and approved as to form by the City Attorney, in the same amount and providing the same protection as would be required for a bond hereunder.

1347.05 ZONING ADMINISTRATOR'S DUTIES.

- (a) Standards for Permit Issuance. The Zoning Administrator shall refuse to issue a permit if he finds that:
- (1) Any application requirement or any fee or deposit requirement has not been complied with;
 - (2) The building is too large to move without endangering persons or property in the City;
 - (3) 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 or property in the City;
 - (4) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
 - (5) The applicant's equipment is unsafe and persons and property would be endangered by its use;
 - (6) Zoning or other ordinances would be violated by the building in its new location;
 - (7) Approval of Council has not been obtained as required in Section 1309.02;
 - (8) For any other reason persons or property in the City would be endangered by the moving of the building.
- (b) Fees and Deposits.
- (1) The Zoning Administrator shall deposit all fees and deposits, and all bonds or insurance policies with the Clerk-Treasurer.
 - (2) Return upon nonissuance. Upon his/her refusal to issue a permit, the Zoning Administrator shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.
 - (3) Return upon allowance for expense. After the building has been removed, the Zoning Administrator shall furnish the Clerk-Treasurer with a written statement of all expenses incurred in removing and replacing all property belonging to the City, and of 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. However, 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 Clerk-Treasurer shall authorize the Zoning Administrator to return to the applicant all deposits after

the Clerk-Treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

- (c) Designating Streets for Moving. The Zoning Administrator shall procure from the Street Commissioner and Director of Bryan Municipal Utilities a list of designated streets over which the building may be moved. The Zoning Administrator shall have the list approved by the Chief of Police and shall reproduce the list upon the permit in writing. In making their determinations, the Street Commissioner and Director of Bryan Municipal Utilities and the Chief of Police shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on the public streets.

1347.06 PERMITTEE'S DUTIES.

Every permittee under this chapter 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 Zoning Administrator in writing of a desired change in moving date and hours as proposed in the application.
- (c) Notify of Damage. Notify the Zoning Administrator 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 night time on every side of the building, while standing on the street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a 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 four days of such occupancy, unless the Street Commissioner grants an extension.
- (f) Comply with Governing Law. Comply with the Building Code, the Zoning Ordinance 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 Zoning Administrator 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) Remove Service Connection. See that the sewer lines are plugged with a concrete stopper, the water shut off and the meter returned to the City water office. The permittee shall notify the gas and electric companies to remove their services.