

**ORDINANCE NO. 334
MOVING ORDINANCE**

AN ORDINANCE AMENDING THE MOVING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA.

The Moving Ordinance is hereby amended to read as follows:

RECOMMENDATION BY PLANNING AND ZONING COMMISSION

No person shall move, any building or structure out of, into or within the city limits of the City of Casselton or within the first half mile of the City's extraterritorial jurisdiction without having a building permit as hereinafter described. For all buildings which have a destination within the City limits of Casselton or within the first half mile of the City's extraterritorial jurisdiction, a public hearing held by Casselton's Planning and Zoning Commission and final approval from the City Council is required. To obtain approval for moving a structure or building into or within the jurisdictional limits, all required bonds shall be posted with the City Auditor and the applicant shall submit to the City Auditor the application for moving permit and the certified report of the condition of the existing structure or building. The City Auditor upon receiving the required information shall forward to the Planning and Zoning Commission the information. The Planning and Zoning Commission shall mail notices to all adjoining property owners and all occupants located within 400 feet of the boundaries of the land or which the application has been submitted of the time, place and subject of the hearing. The Planning and Zoning Commission shall hold the hearing and it may make a recommendation of whether to approve the moving permit or not. The Planning and Zoning Commission may recommend approval of the moving permit if it finds that the applicant has met all requirements contained herein for moving of the structure and it finds that the structure is suitable and appropriate for the area where it is proposed to be moved in terms of its style, design, age, and condition. The public works director or the Commission may place conditions upon his or its recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation and accompanying information to the City Council for final approval.

CITY COUNCIL APPROVAL

The City Council may accept or reject the Planning and Zoning Commission's recommendation based upon the following: whether the applicant has met all of the requirements for moving structures as described herein and whether the structure is suitable and appropriate for the area where it is proposed to be moved in terms of its style, design, age, and condition. The City Council may place conditions upon its approval of the moving permit.

MOVING PERMIT ISSUANCE.

If approval is granted by the City Council for moving a structure or building into or within the jurisdictional limits, the City Auditor shall issue a moving permit after any conditions imposed by the City Council have been satisfied.

BUILDING PERMIT REQUIRED

No moving permit shall be granted for any structure more than 120 square feet being moved to a location within the jurisdictional limits of the City of Casselton unless and until the applicant also receives a building permit from the City. No building permit shall be required for any structure less than 120 square feet. All structures which are more than 120 square feet moved into or within the jurisdictional limits are regarded as new construction with respect to building permit review and required inspections.

NO HEARING REQUIRED

For any structures which are 200 square feet or less, the public works director may approve the moving permit, with or without conditions, in his discretion, without a public hearing. If the public works director believes the matter should go through the planning and zoning commission and city council, he may so direct.

DESTINATION OUTSIDE OF JURISDICTIONAL LIMITS

A permit is required for moving a structure located within the City of Casselton, to a destination outside of the city limits of Casselton, however the public works director may approve the moving permit, with or without conditions, in his discretion. If the public works director believes the matter should go through the planning and zoning commission and city council, he may so direct. Where a structure is being moved from the Jurisdictional limits to a location outside of the jurisdictional limits, a demolition permit, shall also be required.

HOUSEMOVERS BOND REQUIRED.

Before issuing a moving permit, the housemover shall be required to file with the City Auditor a bond in the sum of not less than Fifty thousand Dollars (\$50,000.00), the form thereof to be approved by the City Attorney and the City Council, said bond to run to the city and conditioned, among other things, that the person seeking such permit will pay all damages which may result to the city or any person residing within the city, or lawfully upon the streets or alleys of the city, as the result of the moving of such house or building, said damage to either person or property of any person or to the street, alley, or other public property of the city, and whether such damage is the result of the person seeking such permit or his employees; that the moving of such structure and the construction, improvement and alteration thereof required for compliance with this section shall be completed within three (3) months after the structure has been moved to its new location; and said bond further conditioned, that the said person shall keep the city harmless against all liability, judgments, costs and expenses which may accrue

against the city as a consequence of the acts done by the housemover in such moving, and further conditions of the permit issued to him and within the laws of the state, the provisions of the code and ordinances of the city. The Housemover's Bond may be increased by the approval of city council upon the recommendation of the public works director or the Planning and Zoning Commission. The Housemover's Bond may be waived or reduced in the discretion of the Public Works Director.

LIABILITY INSURANCE.

Before any house or building is moved as hereinbefore provided, the owner or mover shall supply and furnish to the city proof of liability insurance and worker's compensation insurance. The City, in its discretion may require bond or deposit of money in addition to the proof of insurance, conditioned that said building, or alteration or improvements therein or thereon shall in all respects comply with the requirements of this ordinance and that said construction, improvement or alterations will be completed within three (3) months after said building is located on any lot or property within the city, said bond to be written by corporate surety or with sufficient surety to be approved by the City Attorney as to form and the City Council as to the sufficiency of the sureties.

APPLICATION FOR MOVING PERMIT

A form obtained from the City Auditor shall be completed and submitted to the City Auditor containing, but not limited to, the following information:

- a. Date of application.
- b. Name and address of applicant for permit.
- c. Name and address of structure or building owner.
- d. Name, address and ND State Contractors License Number of person, firm or corporation the applicant for permit will employ to do the moving.
- e. Location of structure or building at the time of making application.
- f. Proposed new location for structure or building.
- g. Route or road along which it is proposed to move the structure or building from present location to proposed new location.
- h. How long the moving of the structure or building is expected to take and when moving is expected to be completed if permit is granted.

CERTIFIED REPORT OF THE CONDITION OF THE EXISTING STRUCTURE OR BUILDING

A certified report of the condition of the existing structure or building shall be submitted to the City Auditor containing, but not limited to, the following information:

- a. Report from an Architect and/or Structural Engineer stating conformance with the requirements of the current city building code.

- b. Report from a Licensed Mechanical Engineer or Contractor stating conformance with the requirements of the current city mechanical code.
- c. Report from a Licensed Plumbing Engineer or Contractor stating conformance with the current city plumbing code.
- d. Report from a licensed Electrical Engineer or Contractor stating conformance with the current city electrical code.
- e. Should it be found that the structure or building does not meet any of the above code requirements the report shall state what action will be needed to bring the non-conforming item(s) into compliance with the code.
- f. Photographs of all the exterior sides of the structure or building and of the interior.
- g. A site plan that shows location of the structure or building on the proposed new location.
- h. A foundation plan for the structure or building.
- i. A plan of any additions or alterations that may be made to the structure or building after moving is complete. This shall include foundation plan, floor plan and building elevations, as is required for new construction.
- j. A statement from the Building Administrator regarding his review of the reports and plans and any recommendations regarding the structure or buildings conformance to the city building code.

REMOVAL OF WIRES, CABLES OR PIPES – NOTICE

- a) The applicant to whom the moving permit has been issued shall, before raising or moving any structure or building to which wires, cables or piping for any purpose are attached, notify the persons, associations, or corporations owning or controlling such wiring, cables or piping of the proposed moving of structure or building. The persons, associations or corporations so notified shall, within a reasonable time not exceeding 24 hours thereafter, disconnect and make safe all such electric wires, cables or piping.
- b) In every case in which a moving permit shall be issued as herein provided for the removal of any structure or building, when such removal requires the displacement of any overhead electrical or other wire or cable, it shall be the duty of the person, association or corporation owning, operating or controlling such wire or cable to remove or displace the same, as far as may be necessary, to permit the removal of structure or building. The person to whom a moving permit shall have been issued shall notify the persons, associations or corporations owning, operating or controlling such wire or cable to remove or displace the same to facilitate the removal of said structure or building, and shall exhibit to said persons, associations or corporations the properly issued permit, authorizing the removal of said structure or building; and it shall thereupon be the duty of said persons, associations or corporations, within reasonable time not exceeding 24 hours thereafter, to remove or displace such wires or cables sufficiently to allow the passage of said structure or building.

PERMIT REQUIRED TO MOVE BUILDINGS THAT WILL INJURE TREES

No person, firm or corporation, whether licensed or otherwise, shall move any structure or building along any street, alley or other public way in such a manner as to interfere with or injure any tree, shrub or other vegetable growth without a written permit first obtained from the city forester. The applicant shall specify the structure or building to be moved and the proposed route. All necessary tree-trimming or shrub-trimming costs shall be paid by the applicant.

REMOVAL OF DEBRIS AND OR NUISANCES

When a structure or building is to be moved from within the jurisdictional limits the applicant to which the moving permit is issued shall remove all debris and materials and fill all excavations to existing grade at the original structure or building site. The sewer service line shall be plugged and the water service line shall be shut off to the satisfaction of the public works director.

PENALTY

Every person, firm or corporation, convicted of a violation of any of the provisions of this Ordinance for which another penalty is not specifically provided herein, shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 30 days or both such fine and imprisonment in the discretion of the court, the court to have the power to suspend said sentence, and to revoke the suspensions thereof.

ILLEGALITY OF PROVISIONS

Any illegal portion or portions of this Ordinance shall not affect the validity of the remainder of the Ordinance.

Approved:

Michael Faught, Mayor

Attest: _____
Sheila Klevgard, Auditor

First Reading: December 4, 2023
Second Reading: January 2, 2024
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