

Ordinance No. ____
Moving and Demolition Ordinance

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

HOUSEMOVERS BOND REQUIRED.

Before issuing a moving permit, the house mover shall be required to file with the City Auditor a bond in the sum of not less than Five thousand Dollars (\$5000.00), 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 house mover 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.

LIABILITY BOND REQUIRED.

Before any house or building is moved as hereinbefore provided, the owner shall supply and furnish to the city a bond or certificate of deposit in the amount of not less than One Thousand Dollars (\$1000.00), 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

In order to receive a moving permit, the applicant must submit a moving permit fee of \$100.00 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.

APPLICATION FOR DEMOLITION PERMIT

Demolition Permits require a permit fee of \$100.00, demolition must be completed within three (3) months after permit is obtained, and demolition permits may be issued only upon the following conditions:

1. The sewer and water connections must be disconnected from the city water and sewer system to the satisfaction of the City officials.
2. Adjacent streets, sidewalks, and alleys will be properly protected by fences and scaffolds, and pedestrian traffic rerouted with approval of the City officials.
3. All debris, rubbish and combustible material must be removed from the premises upon completion of the demolition. Upon completion of the demolition the site must be filled and leveled with earth to conform with the grad of adjacent properties.
4. Foundations and concrete floors shall be completely removed.

CERTIFIED REPORT OF THE CONDITION OF THE EXISTING STRUCTURE OR BUILDING

Any structure that is to be moved with its final destination to be within the city limits, the applicant must also submit to the City Auditor a certified report of the condition of the existing structure or building, containing, but not limited to, the following information:

- i. Report from an Architect and/or Structural Engineer stating conformance with the requirements of the current state building code.
- j. Report from a Licensed Mechanical Engineer or Contractor stating conformance with the requirements of the current state mechanical code.
- k. Report from a Licensed Plumbing Engineer or Contractor stating conformance with the current state plumbing code.
- l. Report from a licensed Electrical Engineer or Contractor stating conformance with the current state electrical code.
- m. 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.
- n. Photographs of all the exterior sides of the of the structure or building and of the interior.
- o. A site plan that shows location of the structure or building on the proposed new location.
- p. A foundation plan for the structure or building.
- q. A plan of any additions or alterations that may be made to the structure or building after moving is complete.
- r. A statement from the City officials regarding the review of the reports and plans and any recommendations regarding the structure or buildings conformance to the city building code.

CITY COUNCIL APPROVAL

No person shall move a **structure or building** into or within the city limits of the City of Buffalo without having a public hearing held by the City Council. To obtain approval for moving a structure or building into or within the city 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 it to the City Council, which shall hold a hearing and determine whether to approve the moving permit or not.

The City Council may approve 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 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 city limits, the City Auditor shall issue a moving permit after any conditions imposed by the City Council have been satisfied.

BUILDING PERMIT REQUIRED

When a moving permit has been issued and prior to moving a structure or building the applicant shall submit a building permit application to the **zoning administrator** along with a copy of the approved moving permit, certified report of the condition of the existing structure or building and required plans for final review. All structures moved into or within the city limits are regarded as new construction with respect to building permit review and required inspections.

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 Council. 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 city limits the applicant to which the moving permit is issued shall remove all debris, rubbish 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 City Engineer.

PENALTY

Every person, firm or corporation violating this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$1,000, in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

Approved:

Bill Marcks, Mayor

Attest: _____
Anita Hovland, Auditor

First Reading: May 4, 2004
Second Reading: June 14, 2004
Published: June 30, 2004

Amended: May 2nd, 2005

CITY OF BUFFALO

Moving / Demolition Permit Application

TODAY'S DATE: _____

APPROX. START DATE: _____

CLASS OF WORK: MOVE _____ DEMOLISH _____

JOB ADDRESS

OWNER/CONTRACTOR

(Name/Address): _____

Phone No(s): _____

DESCRIBE WORK IN DETAIL: TYPE, USE OF CONSTRUCTION, etc. (Attach drawing showing the location of all structures on this lot, including the new request, and indicate (in feet and inches- **approximately**) how far the project is from all property lines (not from street). This must be included with your request or it will not be reviewed.

PERMIT APPLIED FOR: CLASS "Moving" _____ "Demolish" _____

HAVE YOU READ AND UNDERSTOOD THE DESCRIPTION OF THE PERMITS, THE FEES, TIME LIMITATIONS, ETC. AS DESCRIBED ABOVE? YES / NO (**circle one**)

DO YOU AGREE TO THE TERMS LISTED ABOVE? YES / NO (**circle one**)

I CERTIFY THAT TO MY BEST BELIEF AND KNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN AND ATTACHED HERETO IS TRUE AND CORRECT. I HAVE READ, UNDERSTAND AND AGREE TO THE TERMS AND DESCRIPTION OF THE PERMITS, THE FEES, TIME LIMITATIONS, ETC. DESCRIBED ABOVE.

DATE: _____ SIGNATURE OF APPLICANT: _____

FOR USE BY ZONING BOARD/CITY COUNCIL ONLY:

CLASS OF PERMIT _____ PERMIT FEE _____ PAID _____

ACTION TAKEN: APPROVED _____ DISAPPROVED _____

COMMENTS/CONTINGENCIES _____

DATE _____ City of Buffalo Authorized Signature: _____