

## CHAPTER 123

# MOVING BUILDINGS

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**123.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Building” means a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, or mercantile storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.
2. “Building Official” means the City Building Inspector or any authorized personnel.
3. “Moving contractor” means any person who engages in the work of moving in any way or raising, lowering, supporting by shoring or upon temporary blocking, jacks or wedges, any building or other structure or any part or parts thereof.
4. “Raised house” means a house that is raised from its present foundation to be placed on a new or rebuilt foundation, and does not leave the lot or parcel of ground it presently occupies.

**123.02 PARKING ON PRIVATE PROPERTY.** It is unlawful for any person to stop, stand, or park a house, equipment, material, or structure upon privately owned property without first obtaining the consent of the owner or person in charge of such privately owned property. Upon complaint of the owner or person in charge of such privately owned property, failure of the person to obtain such consent is declared to be a misdemeanor.

**123.03 DIRECT ROUTES TO BE USED.** In no case shall paved streets, alleys, avenues, or public grounds be used for the purpose of moving any building unless they are in the most practical direct route from the place of origin to the destination.

**123.04 HOURS FOR MOVING.** The moving of a building, when commenced, shall be continued from sunrise to 3:00 p.m. and continue, day by day, until completed, with the least possible obstruction to the thoroughfares occupied.

**123.05 OBSTRUCTION OF STREETS RESTRICTED.** No building shall be allowed to remain overnight on any street, crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant; nor shall any such building be allowed to obstruct traffic unnecessarily.

**123.06 LIGHTING AND BARRICADES.** During the night, between sunset and sunrise, barricades of a type meeting building inspector specifications as to size and illumination shall be kept in a conspicuous place at each end and side of a building being moved pursuant to this chapter.

**123.07 REMOVAL OF UTILITY FACILITIES.** Whenever in moving any building it is necessary to cut or move any electric light, telephone, traffic or other wire, pole, or fixture, the owner of such wire, pole, or fixture shall have the right to cut or move the same or supervise the cutting or moving, and a written notice shall be given by the person holding a permit, issued under this chapter, for the moving of the building to such owner at least forty-eight (48) hours before the time required for such cutting or moving, specifying the place, the person who requests the cutting or removal, and the time when such cutting or removal will be required. The expense of cutting or removing such wires, poles, or fixtures, or supervising the same, shall be paid by the moving contractor, provided that the owner of such wires, poles, or fixtures has done such work in accordance with the ordinances of the City relating thereto. If the owner of such wires, poles, or fixtures has failed to comply with such ordinances, then said owner shall bear all expense of cutting or removing the same.

**123.08 ABANDONED UTILITY CONNECTIONS.** All abandoned water, sewer, electric, and other service connections shall be plugged and sealed and releases shall be secured from the utility companies and from the municipal agencies involved. Permission is required in any case, whether a building is moved or demolished, and releases shall be obtained prior to applying for the permit to move a building.

**123.09 COMPLIANCE WITH BUILDING AND ZONING CODES.**

1. After a change of use has been made in a building which is moved pursuant to this chapter, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the provisions of the Building Code and Zoning Ordinance are complied with. A change from one prohibited use to another prohibited use is deemed a violation of the Building Code and the Zoning Ordinance.
2. Every moved building shall be made to comply with all of the provisions of the Building Code insofar as it is practical to do so. Sewer and water supply shall be provided.
3. All work required to bring the building moved up to City Codes shall be completed within six (6) months from the date the house, structure or building is moved.

**123.10 REPORT OF DAMAGES REQUIRED.** The house mover shall report any damage done to any street, avenue, highway, boulevard, alley, sidewalk, curb, tree, telephone or light poles or wires, or to any other public or private property in the course of moving a building pursuant to this chapter, except damage to property owned by the house mover or the structure being moved, to the City Building Inspector within twelve (12) hours after the occurrence.

**123.11 MOVING PERMIT REQUIRED.** No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the City Building Inspector.

**123.12 APPLICATION.**

1. Generally. A house mover shall submit an application for the permit to the office of the City Building Inspector in writing prior to the proposed time of moving.
2. Form. Such permit application shall be made in writing on forms provided by the City Building Inspector and shall be filed in the City Building Inspector's office.
3. Contents. The application for such permit shall set forth:
  - A. A description of the building proposed to be moved;
  - B. A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number if located in the City;

- C. A legal description of the lot to which such building is proposed to be moved, giving the lot, block, and tract number if located in the City;
  - D. The highways, streets, and alleys over, along, or across which the building is proposed to be moved;
  - E. Proposed moving date and hours;
  - F. Any additional information which the City Building Inspector shall find necessary to a fair determination of whether a permit should be issued.
4. Utility Companies' Consent. With the application there shall be filed consents to the routing by the telephone company, public service company, Fire Department, Police Department, and where the route crosses railroad property, consent must be obtained from the railroad involved.
5. Showing That Owner Has Been Apprised of Cost. The mover shall, when applying for a permit, submit evidence that the owner of the building to be moved is aware of the total of all costs and charges that will be incurred as a result of the moving, either through signed agreement or copy of notification to the owner signed by both the mover and the owner.

**123.13 FEES.** The application for a permit to move a building shall be accompanied by a permit fee in an amount established by resolution of the Council. In the event a building or structure is moved from the City to Waterloo, Iowa, or Cedar Falls, Iowa, or if a building or structure is to be moved from Waterloo, Iowa, or Cedar Falls, Iowa, into the City, the permit fee shall be equally divided between the City and the other city involved. In either event, only one permit fee shall be charged and the permit fee shall be paid to the city from which the building or structure is being moved.

**123.14 ISSUANCE OF PERMIT.** Upon the filing of the application and the payment of the fee as required above, and upon approval by the City Building Inspector, a house moving permit shall be issued by the City Building Inspector.

**123.15 GROUNDS FOR DENIAL OF PERMIT.** When, in the judgment of the City Building Inspector, the proposed work will result in an undue hazard to traffic, undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees or other public or private property, or where it is determined by the City Building Inspector that the relocation of the building is not in the best interests of the surrounding property owners due to the age of the structure or architecture not being compatible with the existing buildings, a permit for the moving of a building shall be denied and the reasons therefor endorsed upon the application. The permit shall also be denied in the event the structure will not comply with this Code of Ordinances or the laws of the State relating to electrical and plumbing requirements of new structures, unless the owner has obtained a permit to correct the violations; or, in the event the power or telephone company refuses to consent to the operations; or in the event the structure will not comply with the Zoning Ordinance within the proposed location,

**123.16 OCCUPANCY PERMIT REQUIRED.** No building which has been moved pursuant to this chapter shall be occupied until an occupancy permit has been issued by the office of the City Building Inspector under the provisions of the Building Code.

**123.17 LICENSE REQUIRED; APPLICATION.** Any person intending to engage in the business of house raising or house moving shall file a written application for a house mover's or house raiser's license in the office of the Clerk. Such application shall set forth, in such detail as may be required by the City Building Inspector, the applicant's qualifications and experience, the kind and type of equipment intended to be used, and whether said person owns such equipment, and other such information as may be necessary to determine the qualifications of such person as a house mover or house raiser.

**123.18 INSURANCE REQUIRED.** Before any house mover's or raiser's license is issued, the applicant shall obtain and furnish to the City an insurance policy for public liability and property damage in the amount of \$100,000 per person injured, \$300,000 for each accident, and \$50,000 property damage. Such insurance policy shall name the City and the applicant as named insured, and shall provide that such policy cannot be revoked, cancelled, or modified in any way until the City has been notified by certified mail at least ten (10) days prior to the proposed action.

**123.19 BOND REQUIRED.** The applicant for a house mover's license shall file with the application a bond, with an approved corporate surety, in the penal sum of \$10,000 and the applicant for a house raiser's license shall file with the application a bond, with an approved corporate surety, in the penal sum of \$5,000, conditioned that all work done under such license shall be done in a good and workmanlike manner, in accordance with all provisions of this Code of Ordinances, and the applicant will pay to the City or to any person injured all damages for injuries to persons or property, including, but not limited to, damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of the applicant or person in the applicant's employ, or due to any other cause, in doing any work under such license or permit for such work.

**123.20 FEES; TERM.** The annual fee for a license as a house mover or house raiser shall be established by resolution of the Council, and such licenses shall expire on May 1 of each year.

**123.21 ISSUANCE OF LICENSE.** Upon payment of the proper fee and the filing of the bond and insurance policy, and after obtaining the approval of the City Building Inspector, the Clerk shall issue to the applicant for a house mover's license or a house raiser's license the appropriate license.

**123.22 REVOCATION OF LICENSE.** Any person who, in the application for a house mover's or house raiser's license, or house moving permit, makes any false or untrue statement, or who violates the provisions of this chapter, or who fails to pay any cost or expense incurred by the City as a result of said person's operations, or whose bond or insurance as required herein has been canceled or otherwise terminated, shall, upon such finding, have such license or permit revoked.