

SECTION 1107.00 SPECIAL PROVISIONS.

SECTION 1107.06 MOVING OF BUILDINGS INTO, OR OUT OF, THE
CITY OF BELLE PLAINE.

1107.06 SUBD. 1. LICENSE REQUIRED.

No person shall move, remove, raise or hold up any building within the Belle Plaine City limits, unless the person is licensed by the State of Minnesota Department of Transportation to engage in such occupation.

1107.06 SUBD. 2. PERMIT REQUIRED.

1. No licensed person shall move, remove, raise or hold up any building within the Belle Plaine City limits without first obtaining a permit from the City.
2. No licensed person shall move any building over, along or across any highway or street in the City without first obtaining a permit from the City.

1107.06 SUBD. 3. REVOCATION OF PERMIT.

Upon presentation to the City Council of satisfactory proof that any such licensee has proven incompetent to properly carry on such work of moving, raising or holding up buildings or has proceeded with such work in such manner as to endanger people or property or upon conviction for failure to comply with this article or related ordinances or for other good causes, the City Council may revoke the Building Moving Permit.

1107.06 SUBD. 4. APPLICABILITY.

The permit requirements of this Section shall apply to manufactured homes and modular homes, including new construction built and moved to a location other than the original site. (*Ord. 04-12, Section 1107.06, Subd. 4, Adopted December 6, 2004.*)

1107.06 SUBD. 5. APPLICATION PROCESS.

1. APPLICATION INFORMATION:

The application shall be made in writing upon the forms provided by the City and shall be filed in the Planning Department. The application shall include the following:

- A. Description of the building proposed to be moved, with the street address, construction materials, dimensions, number of rooms and condition of the exterior and interior. Photographs must be submitted showing the ground and street elevations from all sides.
- B. The legal description of the premises from which the building is to be moved from.
- C. The legal description of the premises to which the proposed building will be moved, if it is within the City.

- D. The portion of the premises to be occupied by the building when moved, if located within the City.
- E. The highway, street and alleys, over along or across which the building is proposed to be moved.
- F. Proposed moving date and hours.

2. ACCOMPANYING DOCUMENTS REQUIRED:

- A. Tax certificate: The owner of the building to be moved into the City 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 other charges against the same are paid in full.
- B. Certificate of ownership of entitlement: The applicant shall file with the application a written statement or bill of sale or other sufficient evidence that he/she is entitled to move the building.
- C. A permit fee as identified in the Section 108 of the City Code shall accompany said application.

1107.06 SUBD. 6. DEPOSIT FOR CITY EXPENSES.

Upon receipt of the application, the City shall estimate the expenses associated with the removing and replacing of electrical wires, street lamps or poles or other property belonging to the City, if any, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit, the applicant shall deposit a sum of money equal to twice the amount of the estimated expense.

1107.06 SUBD. 7. APPROVAL PROCESS.

- 1. Building Inspector Review and Report: The Building Inspector shall inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of the permit are met. The Building Inspector shall refuse to issue a permit if he/she finds the following:
 - A. That the application requirements of any fee or deposit has not been complied with;
 - B. That the building is too large to move without endangering persons or property in the City;
 - C. That 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 person and property in the City;
 - D. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
 - E. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - F. That this Ordinance or other ordinances of the City would be violated by the building in its removal location;
 - G. The building, in its removal location, would fail to comply in any respect with any provision of any ordinance of the City, or, in the

alternative, that proper assurances of such compliance has not been given;

- H. The Chief of Police and Public Works Superintendent shall review the permit application and note over which streets the building may be moved. In making their determinations, the Chief of Police and Public Works Superintendent shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

2. Planning and Zoning Commission and City Council Approval:

- A. A public hearing shall be held in accordance with Section 1103.09 of this Ordinance.

- B. Planning and Zoning Commission Recommendation: The Commission shall use the following criteria in preparing its recommendation for the City Council:

1. If the building were at such as variance with either the established or expected pattern of building development within the neighborhood that it would destroy the harmony and overall appearance of the neighborhood.
2. The extent of variance, if any, based upon findings of a comparative study of age, bulk, architectural style and quality of construction.
3. The building, if permitted, will not substantially diminish or impair property value within the neighborhood.

- C. City Council Review: The City Council shall review the application materials and recommendation of the Planning and Zoning Commission and Building Inspector and approve, conditionally approve or deny the application, based on the criteria established within this Section.

1107.06 SUBD. 8. FEES AND DEPOSITS.

1. Deposit: The applicant shall submit all fees and deposits to the City, prior to the public hearing process.
2. Return of Fees and Deposits: If a permit is denied, the City Administrator shall direct the Finance Director to return to the applicant all deposits. The permit fee filed with the application shall not be returned.
3. Return upon allowance for Expenses: If the permit is approved, after the building has been removed, the Chief of Police, Public Works Superintendent and Building Inspector shall furnish a written statement of all expenses incurred and all damage caused to or inflicted upon the property belonging to the City by reason of the move.

1107.06 SUBD. 9. DUTIES OF THE APPLICANT/LICENSEE.

1. Every applicant/licensee which is approved, under this Ordinance shall:
 - A. Use designated streets, as approved in the permit process.
 - B. Notify Zoning Administrator in writing of desired change in moving date and hours as proposed in the application.
 - C. Notify the Zoning Administrator in writing of any and all damage done to property belonging to the City, within twenty-four (24) hours after damage or injury has occurred.
 - D. Display a red light during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
 - E. Not allow any building, not on a foundation or attached to the ground in such way as approved by the Building Inspector, to remain in the City for more than twenty-four (24) hours except when located on a removal location in the City. Any building moved to a removal location in the City must be placed on a permanent foundation or attached to the ground as approved by the Building Inspector within fifteen (15) days of its removal to said location, unless an extension is granted by the Zoning Administrator upon good cause shown. No building shall be stored or allowed to stand on a City street for more than eight (8) hours without have received permission to do so from the Belle Plaine City Police Department.
 - F. Comply with the building code, this Zoning Ordinance and all other applicable ordinances and laws upon relocation the building in the City.
 - G. Remove all rubbish, materials and fill from the premises. All excavations shall be graded to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
 - H. Pay all sewer charges and water bills payable against the property within the City of Belle Plaine from which the building is to be moved and that all sewer and water connections have been plugged or discontinued at the curb line or at the main and that all taxes against said property have been paid in full.
 - I. Paint, or cause to be painted, all exterior walls, doors and doorframes, window frames as well as screen and storm windows of the building moved, unless waived by the Building Inspector.
 - J. Install, or cause to be installed, a finished grade on all parts of the premises on to which such building is moved, including the planting, seeding or installation of live sod or appropriate grasses on all parts of the plot or parcel involved.

- K. Install, or cause to be installed, new roofing upon such building in which the existing roofing is unsightly, dilapidated or leaking.
- L. Construct and provide all necessary and proper drainage for the premises on to which such building is moved, such drainage to be installed and constructed according to plans to be submitted by the owner and approved by the Building Inspector and the City Engineer, if determined necessary by the Building Inspector.
- M. Complete within ninety (90) days after removal, all remodeling, additions or repairs as shown on the plans accompanying the application, if the building is relocated within the City.

1107.06 SUBD. 10. ENFORCEMENT.

1. Applicant is liable for expense above deposit. The applicant shall be liable for any expenses, damages or costs in excess of the deposited amounts or securities, and the City Attorney shall prosecute an action against the applicant in a court of competent jurisdiction for the recovery of such excessive amounts.
2. Original premises left unsafe. The City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition where applicant does not comply with the requirements of this Section and the cost thereof shall be charged against the general deposit.
3. A certificate of occupancy must be obtained within six (6) months of the moving date.

1107.06 SUBD. 11. RESTRICTED HOURS.

No building shall be moved across any railroad or bridge, unless the hour be specified and approved by the company or governmental unit controlling such track or bridge.

1107.06 SUBD. 12. MOVING BUILDINGS INTO THE CITY.

Any person, firm, association or corporation desiring to move any building to within the limits of the City of Belle Plaine from outside of the corporate limits shall comply with the following additional requirements.

1. Notify the Building Inspector of the City of Belle Plaine prior to the process of moving the building in sufficient time so that the Building Inspector may make all necessary inspections in order to determine whether such building complies with the applicable ordinances of the City and for purpose of determining the appropriateness of the structure as provided for in this Section.

1107.06 SUBD. 13. MISCELLANEOUS CONDITIONS.

1. It is not intended by this Section to interfere with or abrogate or annul any easement, covenant or other agreement between parties, provided however, that when this

Section imposes a greater or heavier restriction than is imposed or required by any other ordinance, rule, regulation or by easements, covenants or agreements, the provisions of this Section shall control.

2. Every applicant, permit or licensee shall pay all other required fees, together with a fee established in the City's annual fee schedule for hourly services of the Building Inspector, for time spent in connection with such inspection.
3. Any applicant to whom a permit has been denied by the Building Inspector may appeal to the Planning and Zoning Commission and City Council. The applicant shall submit a notice of appeal to the Zoning Administrator in writing, and the matter shall be decided within sixty (60) days after filing of the notice of appeal. The Commission and Council may affirm, reverse or modify the action of the Building Inspector.

1107.06 SUBD. 14. VIOLATION A MISDEMEANOR.

Every person violating this Section when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions thereof.

SECTION 1107.07 POLE BUILDINGS.

1107.07 SUBD. 1. RESTRICTED.

All pole buildings shall require a conditional use permit in all residential and rural residential districts within the City.