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CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

December 9, 1985

Transportation and Community Development/
Budget and Finance Committees
Sacramento, California

Honorable Members in Session:

SUBJECT: BUILDING MOVE ORDINANCE REVISIONS

SUMMARY

Based upon Committee direction, staff has met with representatives of the building movers to discuss industry concerns over the proposed building move ordinance. As a result of these meetings, some provisions of the ordinance and fee resolution were revised. Agreement could not be reached on other sections, and industry and staff arguments on these sections have been outlined in this report.

BACKGROUND

On November 26, 1985, the Transportation and Community Development and the Budget and Finance Committees heard testimony on the proposed building move ordinance. Based upon industry concern the Committees directed staff to meet with industry representatives and report back to the Committees.

Staff has met with industry representatives twice to review the ordinance. Included in these meetings were staff from the Planning and Development Department, Public Works Department, City Attorney's Office and SHRA. In attendance for the industry were all local house movers, a general contractor, and an attorney representing the industry.

As a result of these discussions, the proposed ordinance and fee resolution have been changed to reflect agreements reached during these meetings. The recommended changes are listed below:

1. The amended ordinance and fee schedule have been changed to include building moves that both originate and terminate outside City limits. The City's interest in these moves is only in the route of the move and avoiding damage to other structures and roads within the City.

2. Provisions have been added to allow for the interim storage of structures on temporary supports in approved building storage facilities.
3. The provision for double damages if a structure does not meet the listed dimensions and causes damage has been eliminated. The ordinance still provides for full recovery of charges.
4. The section requiring written authorization from railroads to cross railroad tracks has been eliminated. Railroads do not provide written authorization.
5. The fee resolution has been modified to allow fee reductions for moving structures owned by public entities.

Industry representatives are still opposed to a number of sections of this ordinance. The opposition is summarized below along with staff's rationale for not recommending these changes.

1. Moving industry representatives want the building move permit only to cover the actual transportation of the structure. They feel that other permits should be issued for vacated site clean up and completion of the structure on the new site since they are not now responsible for these activities. Staff feels that having one "applicant", not necessarily the building mover, is necessary to coordinate the total process and give the City one party to hold accountable for all aspects of the move.
2. The industry wants the ability to post a bond instead of the \$2,000 deposit. Staff has experienced difficulties in collecting from bonding companies which forces the City into litigation to collect against the bonds.
3. Industry representatives feel that the indemnification and holds harmless provisions will negate their insurance. The City Attorney has indicated that the removal of this section will significantly increase the City's liability resulting from the move.
4. The industry representatives want the provision of a Public Works representative accompanying the move to be optional for the Director of Public Works. The Public Works Department feels that every move should be accompanied to best protect City streets, sidewalks, curbs, signs, street lights, etc.
5. The industry representatives want the limitation on temporary support to be 60 days instead of 30 days. They feel that the additional time is required on many moves to complete all the required work. Staff feels that the work can effectively be completed in 30 days.
6. Industry representatives feel that the same provisions that apply on a building permit should apply on the completion of structures that have been moved to a new site. This change would give the builder 180 days to start construction and basically an unlimited time period to complete construction. Considering the continued problems with moved structures not being ready for occupancy for extended periods, staff recommends that the 120 day limitation for completion be retained in the ordinance.

FINANCIAL DATA

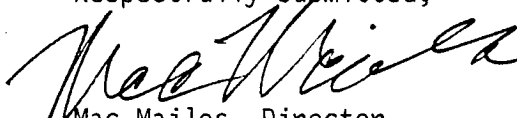
A fourth fee and deposit category has been added for structures that only move through the City. Since the City has no jurisdiction over the lot the building is being moved from and the lot the building is being moved to, the charges for this type of move are substantially reduced. Listed below are the proposed fees and deposits.

<u>Fee, Charge or Deposit</u>	<u>Moved from... City</u> <u>Moved to..... City</u>	<u>Outside</u> <u>City</u>	<u>City</u> <u>Outside</u>	<u>Outside</u> <u>Outside</u>
Building Move Application Review Fee	\$283	\$283	\$113	\$25
Building Move Permit Fee (\$28 an hour will be charged to accompany the structure during the move.)	\$ 47+ Hourly Charge	Hourly Charge Only	\$47+ Hourly Charge	Hourly Charge Only
Building Move Security Deposit	\$2,000	\$2,000	\$2,000	\$200

RECOMMENDATON

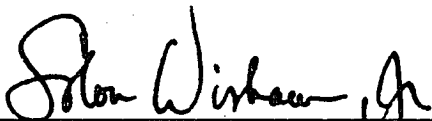
Staff recommends that the Transportation and Community Development and the Budget and Finance Committees recommend that the City Council adopt this ordinance and fee resolution.

Respectfully submitted,



Mac Mailes, Director
Planning and Development

RECOMMENDATON APPROVED:



Solon Wisham Jr., Assistant City Manager

Attachment/

December 17, 1985
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 9 OF THE SACRAMENTO CITY CODE, RELATING TO MOVING BUILDINGS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XI of Chapter 9 of the Sacramento City Code is hereby amended to read as follows:

ARTICLE XI. Moving Buildings

Sec. 9.420 Permit Required.

No person shall move or cause to be relocated any building or structure upon, over, or through any public property or right-of-way in the City of Sacramento, or from outside the City of Sacramento into the City of Sacramento, without first complying with all applicable City Code provisions and obtaining a written moving permit from the Director of Planning and Development according to the procedures set forth in this article.

Sec. 9.421 Application for Permit; Application Fee.

The application for moving permit shall be filed with the Director of Planning and Development and shall contain a statement of the following:

- (a) Name, address, and telephone number of applicant,
- (b) Valid State Contractor's License number and valid City Business Tax Certificate Number of the moving contractor,
- (c) Type of structure to be moved,
- (d) Proposed use of structure,
- (e) Approximate date structure was constructed,

- (f) Location of existing structure and proposed new location, including a scaled plot plan of the new site which shows any buildings located on contiguous property,
- (g) Proposed route,
- (h) Proposed date of moving, and anticipated duration of move,
- (i) Accurate dimensions of the length, height, width, and weight, loaded and in transit.
- (j) Hold harmless agreement,
- (k) A certification that all information provided is true, and that the applicant is familiar with, understands, and accepts all obligations and responsibilities relating to the moving of buildings as set forth in this article,
- (l) Such other and further information as the Director of Planning and Development deems necessary.

The application shall be accompanied by a nonrefundable application fee in an amount set by resolution of the city council. The Director of Planning and Development shall cause copies of the application to be sent to the Superintendent of Building Inspections, Director of Public Works, Fire Chief, and Planning Director.

Sec. 9.422 Review of Application and Inspections by Building Division.

The Superintendent of Building Inspections shall review the application for moving permit and shall conduct such inspections of the building to be moved, its existing location, and the proposed location as may be necessary to ascertain if the building when moved will comply with applicable city codes and to ascertain what conditions, if any, must be imposed on the permit to insure compliance with all applicable city codes.

Sec. 9.423 Review and Approval by Planning Director; Appeal

The Planning Director shall review the application to determine if the building, when moved to its new location, will satisfy the standards set forth in Paragraph 11.15 of Article II of Section 16, or any successor provision thereto, of city's zoning ordinance and any other design guidelines applicable to the location to which the building will be moved including special requirements in Redevelopment Areas. If the Planning Director determines that the building when moved will not satisfy these standards, he shall so inform the applicant in writing and the Director of Planning and Development, who shall not issue a moving permit. If the Planning Director determines that the building when moved will meet the applicable standards or can meet the applicable standards if certain conditions are met, he shall so inform the Director of Planning and Development who shall include any necessary

conditions on the moving permit. Notice of the Planning Director's decision approving the move shall be mailed to the applicant, posted on the site to which the building is proposed to be moved and mailed to the owners of all property adjacent to the property to which the building is proposed to be moved. Any interested person may appeal the determination of the Planning Director to the Design Review and Preservation Board, whose decision shall be final, by filing a written notice of appeal with the Secretary of the Design Review and Preservation Board not later than five (5) days after the date the decision is mailed to the applicant in the event of denial, or is mailed to the applicant, posted on the site, and mailed to all adjacent property owners in the event of approval.

Sec. 9.424 Review by Director of Public Works and Fire Department.

The Director of Public Works and the Fire Chief shall review the application and the proposed route of move and shall make recommendations for route modifications to the Director of Planning and Development. No building shall be moved except along an approved route specified in a moving permit. Where appropriate, the Director of Public Works shall consult with the Director of Facilities Maintenance and the Superintendent of Parks to insure that the proposed route will not result in damage to or destruction of City facilities or trees. No moving permit shall be issued unless the proposed move complies with applicable provisions of Chapter 45 of this code (Trees) and all necessary tree removal permits have been granted. Tree removal permits will be issued only if consistent with Chapter 45. If permission to trim City trees is granted, a tree inspector must be present at the time of trimming.

Sec. 9.425 Building Moving Fee and Deposit Required.

Before a moving permit is issued, the applicant shall be required to pay a building moving fee in an amount set by resolution of the City Council and to post a security deposit in the amount of Two Thousand Dollars (\$2,000) in a form satisfactory to the Director of Planning and Development. For moves from a location outside the City to another location outside the City, the security deposit shall be Two Hundred Dollars (\$200). The building moving fee shall be set to recover all costs incurred by the City in connection with issuing the permit and monitoring compliance therewith including, but not limited to, the cost of inspecting the building and the proposed site and the cost of providing a City representative to accompany the move. From the deposit, the City shall deduct the cost to repair any damages to city property caused by the move, and any other costs or expenses incurred by the city resulting from the move, including the cost of curing any failure of the applicant to comply with the conditions of the moving permit or any other applicable requirement of the City Code.

Posting of the required deposit shall not relieve the applicant/permittee from liability for any damages resulting from the move. Should the costs chargeable to the permittee exceed the deposit, the permittee shall be liable to the City for the excess and

shall pay such amount upon demand. No other moving permit shall be granted until such amount is paid.

The deposit, less any authorized deductions, shall be returned to the permittee after a final inspection of the site from which the building was moved, if located within the City, and the final inspection of the relocated building pursuant to Section 9.433.

Sec. 9.426 Insurance Required.

No moving permit shall be issued until the applicant presents satisfactory evidence of insurance coverage as specified in Section 9.370 of this code. City approval of any insurance policies shall in no way affect the terms and conditions of the indemnification and hold harmless set forth in Section 9.427.

Sec. 9.427 Indemnification and Hold Harmless.

Every applicant for a moving permit shall agree to indemnify and hold harmless the City of Sacramento, its officers, employees, and agents from and against any and all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from, directly or indirectly, the permittee's operations pursuant to the moving permit, which is caused in whole or in part by any negligent act or omission of the permittee, his subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts any of them may be liable, whether or not it is caused in part by a party indemnified hereunder.

Sec. 9.428 Issuance of Permit; Appeal

If the Superintendent of Building Inspections, the Fire Chief, the Director of Planning, and the Director of Public Works report that the proposed move will comply with all requirements of this article and the Sacramento City Code, then the Director of Planning and Development shall issue the moving permit, subject to such conditions as are necessary to ensure compliance with this article and the Sacramento City Code and to ensure the public safety and welfare. If the permit is denied, written notice thereof shall be served in person or by mail on the applicant.

Any applicant aggrieved by denial of a permit or by conditions placed thereon may appeal the decision of the Director of Planning and Development to the Housing Codes Advisory and Appeals Board by filing a written notice of appeal with the Secretary of the Board not later than ten (10) days after the date of the Director of Planning and Development's decision; provided, however, that any matter appealable under Section 9.423 shall not be appealable pursuant to this section. The decision of the Housing Codes Advisory and Appeals Board shall be final. However, any denial based on the recommendation of the Planning Director shall be appealable only as provided in Section 9.423.

Sec. 9.429 Notice to be Given Before Move.

No less than two (2) working days before the move, the permittee shall notify the Director of Planning and Development of the time and route of the move.

Sec. 9.430 City Representative to Accompany Move.

A representative of the Director of Public Works shall accompany all moving of structures covered by this article, to ensure that the permittee complies with all terms of the permit and this code.

Sec. 9.431 Limitation on Temporary Support.

Except as otherwise provided in this section, no person shall permit a building or structure to remain on blocks or other temporary support for more than thirty (30) days at any location, either before a proposed move or after a move. The maintenance of a building on blocks or other temporary support for more than thirty (30) days is hereby declared to be a public nuisance, to be abated pursuant to any applicable provision of the Sacramento City Code.

Buildings listed on the official register and buildings moved from, to or within preservation areas may remain on temporary support for more than thirty (30) days if so authorized by the Director of Planning and Development in writing in the moving permit. The maintenance of a building on temporary support beyond the time authorized by the permit is hereby declared to be a public nuisance, to be abated pursuant to any applicable provision of the Sacramento City Code.

Buildings moved to an approved storage lot may remain on temporary supports in excess of thirty (30) days.

Sec. 9.432 Clean-Up of Site Vacated.

The site from which the building or structure is moved shall be leveled, and any and all foundations or footings removed, and all depressions, holes, excavations or basements filled to eliminate any hazards to persons or property immediately upon removal of the building or structure. All other concrete, rubbish and other debris, deposited, generated or created by the moving of the structure shall be cleared from the site within fifteen (15) days after the move.

Sec. 9.433 Inspection of Building After Relocation; Conditions Required Prior to Use of Occupancy; Time of Completion.

No building or structure moved or transported under the provisions of this article shall be used or occupied until all fireplaces and chimneys therein have been entirely reconstructed, nor until all electrical wiring, piping and tubing for gas, hot air, steam or hot water, sewer and sewer drains have been examined and tested by the Superintendent of Building Inspections and certified to be in good condition. Any

building or the frame of any building which has been moved under the provisions of this code shall meet all current requirements of this code prior to use or occupancy. All work necessary to bring the building or structure into compliance with this code and all other applicable regulations shall be completed within one hundred twenty (120) days after the date of the move, unless an extension not to exceed an additional sixty (60) days is granted for good cause shown by the Director of Planning and Development. If such work is not completed within the time specified, City shall have the right, but not the duty, to cause the work to be completed or cause the building to be demolished, and the cost thereof shall be a charge upon permittee's deposit. If the cost of demolition exceeds the amount available from the deposit, the excess shall be made a special assessment against the property involved, pursuant to the procedures set forth in Article IX of Chapter 50 of the City Code, or shall be the personal obligation of the property owner, or the permittee, or both, as the City Council may determine.

Sec. 9.434 Restrictions on Building Size.

No permit shall be granted for the moving of any building, or the frame of any building, on the streets of the city, the height of which, when placed on wheels, rollers, or other method of transportation, exceeds thirty-two (32) feet from the street level to the highest point of the peak of the roof or cornice of the building, nor which is of a greater width than two-thirds ($2/3$) of the width of the narrowest street between the curb lines over which such building, or frame of building, is to be moved, unless the Director of Public Works certifies that the time required for moving any building, or frame of any building, on the streets of the city will not unreasonably delay traffic. The Director of Public Works shall recommend to the Director of Planning and Development such conditions as are reasonably necessary to avoid unreasonable traffic delay.

Sec. 9.435 Overhead Wires.

When the moving of a building requires the displacement of any overhead electrical, telephone or other wires, it shall be the duty of the person owning, operating or controlling such wires to remove or displace the same to enable the move to proceed.

The permittee shall notify the person owning, operating or controlling the wires of the proposed move and shall provide to such person a copy of the moving permit. Such person shall within twenty-four (24) hours thereafter remove or displace the wires sufficiently to allow the passage of the building along the street over which the wires are suspended. The permittee shall pay to the person owning, operating or controlling the wires the actual cost of such removal or displacement of the wires and of the replacement thereof.

Sec. 9.436 Maintaining Barricades and Lights.

Permittee shall maintain all barricades and lights as needed. If said barricades and lights have not been provided or maintained, the

Director of Public Works may do so and the costs thereof will be chargeable to the permittee.

PASSED FOR PUBLICATION:
ENACTED:
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

A RESOLUTION AMENDING CITY OF SACRAMENTO FEE AND CHARGE REPORT REGARDING BUILDING MOVE FEES

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City of Sacramento Fee and Charge Report is amended as follows:

A. Page 62C - Moving Permit

	<u>Moving a Structure From a Site Outside the City Boundaries</u>	<u>Moving a Structure From a Site Inside the City Boundaries</u>
Moving Permit	\$28.00 an hour for staff to accompany the move.	\$47.00 + \$28.00 an hour for staff to accompany the move.

- * The Director of Planning and Development may waive all or part of the moving permit fee for structures moved for governmental jurisdictions.

B. Page 80C - Building Move Application Review

	<u>Moving a Structure to a Lot Outside the City Boundaries</u>	<u>Moving a Structure to a Lot Inside the City Boundaries</u>	<u>Moving a Struc- ture Through the City</u>
Building Move Application Review Fee	\$113	\$283	\$25

- * The Director of Planning and Development may waive all or part of the building move application review fee for structures moved for governmental jurisdictions.

ATTEST:

MAYOR

CITY CLERK