

## HOUSE/BUILDING MOVING

### **Sec. 9-24. - Same—Application and hearing thereon.**

No frame building shall be moved from any place to a place within the city limits of fire zone number one of the city.

Upon receipt of any application to move a building either into the city or from one place to another place within the city, the city building inspector shall require the deposit with the city auditor of the moving permit fee, plus the estimated expense of giving the notices provided for in this section and in case the application is ultimately denied, the permit fee, but no other part of such deposit shall be returned to the applicant.

Notice of filing of such application shall be given by the city auditor by publication once each week for two (2) successive weeks, the last publication to be not less than ten (10) days before the meeting of the city council at which time the same will be considered. Such notice shall state the name of the applicant and the names of the owners of the building, the street address where such building is located and that to which it is proposed to move it, the extent and nature of any proposed remodeling and the use to which the building will be put, and the time and place that the application will be considered by the city council, and a copy of such notice shall be posted upon the lot to which it is proposed to move the building, for not less than ten (10) days before such hearing, and not less than ten (10) days before such hearing copies of such notice shall be mailed by certified mail to the owners of land immediately adjacent to the lot to which it is proposed to move the building.

If the applicant moving the structure provides a petition signed by over fifty (50) percent of the owners of property within a distance of three hundred (300) feet from the proposed location of the building to be moved, indicating they are not opposed to such moving, the city council may elect to not require the notice and public hearing for such proposal.

At the time and place set forth in such notice the city council shall hear all evidence and argument presented for and against the proposed moving. Any resident of the city or his agent may appear and be heard at the hearing, either approving or objecting to the application. If over fifty (50) percent of the owners of property within a distance of three hundred (300) feet from the proposed location of the building to be moved object to such moving, the city council shall reject the application. The city council may, in its discretion, reject any application for a permit to move a building. If such evidence discloses to the satisfaction of the council that the building, when moved and repaired or altered, and the use thereof, will conform to the provisions of this Code and other ordinances of the city, that the moving can be accomplished without damage to the streets, pavements, trees, public utilities and other property, and that when the removal and repairs and alterations have been completed, the building will not cause undue or serious depreciation of other properties in the new neighborhood, the council shall order the city building inspector to issue a permit for such moving subject to such terms and restrictions thereon as shall be fixed by the council; otherwise the application shall be denied. If deemed necessary by the council to assure compliance with any requirements as to repair, alteration, occupancy or use of the building after its location upon the new site, the council may direct the issuance of such a permit only upon the condition that the applicant shall first file a bond, with such sureties as the council may prescribe, in an amount of one thousand dollars (\$1,000.00), or such higher amount as fixed by the council, such bond to be conditioned upon the faithful performance by the applicant of all such requirements.

*(Ord. No. 217, § 11; Ord. No. 454; Ord. No. 1173, 1-3-00)*