

## **CHAPTER 83 MOVING BUILDINGS**

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### **GENERALLY**

**83.010. City Official to be Present.** The director of public works, his deputy, or such inspector as the director may designate, shall be present and about any Class Two or Class Three building or structure being moved at all times the same as within any street. (Ord No. 4112; Ord No. 117-71)

**83.020. Barricades, Lights, Etc. REQUIRED AT NIGHT.** In case any building is moved at night, the mover shall provide such barricades, lights, flares, and watchmen as may be necessary to safeguard traffic and persons using the street. (Ord No. 4112)

**83.030. Abandoning Work.** If a building, or any part thereof, extends over or into or is upon any part of any street, alley, or highway, by virtue of the moving thereof, the person moving the same shall diligently and continuously employ himself and his agents, employees, and facilities in the moving of such building until the same reaches its destination or is removed from any and all streets, alleys, or highways, and, except when the mover shall have the permission of the director of public works, it shall be unlawful for any such mover to leave standing or abandon the moving of such building while the same, or any part thereof, is in or upon any part of any street, alley, or highway. (Ord No. 4112)

**83.040. Chapter Not Applicable to Certain Buildings.** The provisions of this chapter shall not apply to the moving or hauling of any building or structure loaded upon a truck, trailer, or chassis when such building or structure is of a size and weight not exceeding the maximum width, length, height, or weight of a truck load that may be lawfully moved over a public highway without a special permit from the state highway division, or any other public authority. (Ord No. 4112; Ord No. 117-17)

## PERMITS

**83.050. Required.** It shall be unlawful for any person to move any building or structure upon, over, or along any public street, alley, or highway within the city without first obtaining a permit from the director of community development unless otherwise exempted from this chapter. (Ord No. 4112; Ord No. 117-71; Ord No. 42-84)

**83.060. Classes of Buildings.** For the purpose of this Chapter, buildings and structures shall be separated into the following three classes:

(a) **Class One.** Any building or structure loaded upon a truck, trailer, or chassis when such building or structure does not exceed the maximum width, length, height, or weight that may be lawfully moved over a public highway with a special permit from the Oregon Department of Transportation. Class One buildings or structures being moved within the city, except in modular or prebuilt modular home parks, shall require a moving permits. Class One buildings or structures being moved within the city and meeting either of the following two criteria do not require a moving permit:

- (1) The building or structure is being moved only on the interstate highway system –under special permit from the Oregon Department of Transportation; or
- (2) The building or structure is under fourteen feet in height and is being moved only upon the state highway system and/or a major city street network as determined by the Public Works Director under special permit from the Oregon Department of Transportation.

(b) **Class Two.** Any building or structure having an overall width exceeding fourteen feet, height over fourteen feet, or overall length of over fifty feet, and which is being moved as a load upon a motor truck, trailer, chassis, or on pneumatic dollies and which may be moved along the specified route without the necessity of temporarily closing streets or the probability of destroying or significantly damaging public or private property as determined by the Public Works Director. Trimming of trees, shrubs, etc., shall be permitted provided the approval of the Public Works Director is obtained and any such work shall be done only under the supervision of the Director or the Director's designee.

(c) **Class Three.** Any building or structure which is of such width, height, length, or weight that it may require the temporary closure of streets or create the probability of destroying or significantly damaging public or private property as determined by the Public Works Director. No moving permit for a Class Three building or structure shall be issued unless the mover has first furnished a bond or surety in a sum covering such damages as required by SRC 83.160(b) and any additional bonding or surety the Public Works Director deems necessary for the protection of life and public or private property along the route. (Ord No. 4112; Ord No. 6970; Ord No. 117-71; Ord No. 42-84; Ord No. 78-85; Ord No. 51-96; Ord No. 42-09)

**83.070. Application; Generally.** Application for a permit to move any building or structure upon, over, or along any public street, alley, or highway shall be made in writing at the permit application center upon a form provided by the public works department. The application which shall be signed by the owner of the building or structure to be moved or by the person engaged to move the same, shall contain the following information:

- (a) The name and address of the owner of the building or structure;
- (b) The location of the building before moving;
- (c) The location where the building is proposed to be set or re-established;
- (d) The construction type, age, width, length, and height of the building. The width, length, and height of the building while on and attached to the transporting equipment and inclusive of the equipment's length and width if it is longer or wider than the building;
- (e) The use or purpose for which the building was designed;
- (f) The use or occupancy to be made of the building at its new location;

- (g) The name and address of the person engaged to move the building;
- (h) The means or manner by which the building is to be moved and the type of equipment used thereof;
- (i) A map, sketch, or written description outlining the route over or along which the building is to be moved;
- (j) The time that will be required to move the building, including the day, and hour when any part thereof will enter any street and the approximate date and hour every part of the building will be off every street, alley, or highway, and the time that will be required to complete the re-establishment and relocation of the building upon its new site; and
- (k) Such other information as the public works or community development departments may deem necessary.

Where the building is to be moved outside of the corporate limits of the city, the information required by paragraphs (5) and (6) of this section need not be given. (Ord No. 4623; Ord No. 42-84)

**83.080. Application; to Contain Damage Agreement.** Any application for a permit under this chapter shall contain a statement or agreement to the effect that the applicant will not damage any real or personal property upon, along, or adjacent to any street, alley, or highway while moving any building and that, in case any damage is so caused, the applicant will pay therefor. (Ord No. 4623)

**83.090. Application; to Contain Completion Agreement.** The application for a permit to move a building to any place within the city shall contain the agreement of the owner, executed by him, that he will, within one year of the date on which the move was commenced, complete relocation and establishment thereof in complete compliance with all applicable provisions of this Code; and will upon such completion or on the date required for completion, whichever is sooner, permit complete inspection of the building by the building official or his authorized inspectors, to determine if such relocation and establishment is, in fact, in compliance. (Ord No. 4623; Ord No. 117-71; Ord No. 93-74)

**83.100. Application; to be Accompanied by Statements from Utilities.** Except as to Class One buildings less than 14 feet in height, 14 feet in width, and 50 feet in length there shall be attached to the application for a permit under this chapter, signed written statements from each person owning or operating any public utility maintaining any wires, conduits, cables, poles, or other appliances or appurtenances thereto along, over, or across any street, alley or highway along the route over which the building or structure is to be moved by or for the applicant, which statements shall state or set forth that the moving of such building or structure will not molest, damage, or interfere with, or interrupt the service of any such wires, conduits, cables, poles, or other appliances or appurtenances, or that the applicant has made appropriate arrangements for clearing the same at the time the building is to be moved.

In case any Class Two or Class Three building is to be moved over, across, or along any railway track laid in any street, a similar statement from the owner or operator of such railroad, or his duly authorized agent, shall be furnished (Ord No. 4623; Ord No. 42-84)

**83.110. Conditions Concerning Code Compliance.** Before issuing any permit to move a building to any location within the city, the director of public works shall first ascertain that the building is no greater in size than is permitted by this chapter, and that either of the following conditions, as applicable, is met:

- (a) If the building was used for and is proposed to be used for purposes such as would cause its classification as an R or M occupancy pursuant to the provisions of chapter 56 of this Code, no moving permit shall be issued unless the building has been given a complete inspection for compliance with the provisions of chapter 59 of this Code; provided, however, that the building need not be brought into compliance with the provisions of said chapter prior to being moved if the owner signs the agreement provided in SRC 83.090, and posts the insurance and bonds provided for in SRC 83.160.

(b) For all other buildings other than those described in subsection (a) of this section, no moving permit shall be issued unless a building permit for establishment of the building in its new location has been issued by the building official. (Ord No. 4623; Ord No. 117-71; Ord No. 93-74; Ord No. 42-84)

**83.120. Approval Required.**

(a) No moving permit shall be issued under this Chapter until the application therefor has been approved by the Chief of Police, the Building Official, and the Public Works Director.

(b) Where applicable, no moving permit shall be approved until the requirements of SRC 73.050(h) have been met. (Ord No. 4623; Ord No. 69-70; Ord No. 42-84; Ord No. 51-96; Ord No. 42-09)

**83.130. Approval; by Chief of Police.** The chief of police shall consider the probable effect of the proposed moving under this chapter on the public safety and he shall not approve the application for a moving permit except where such moving will not jeopardize the public safety and the route proposed to be followed is the one least dangerous to the citizens of the city and the general public. (Ord No. 4112)

**83.140. Approval; by Building Official.**

(a) The building official or his designee shall inspect the building to be moved, and, if he finds that the building is of substantial construction and in such condition that it may be moved without collapsing or falling apart and without endangering any person upon, along, or adjacent to any public street, and further finds that the building is designed and adaptable for the purpose, use, or occupancy to which it is proposed at the new location he shall approve the permit application.

(b) In addition to the matters in this section enumerated, the director of public works and the building official shall require compliance with all provisions of this chapter which are a prerequisite to the granting of a moving permit. (Ord No. 4112; Ord No. 42-84)

**83.150. Approval; by Director of Public Works.** The director of public works shall determine that the mover has safe and sufficient equipment and facilities for moving the building or structure within the time allowed by the director for such moving and that the mover has sufficient and adequate barricades, lights, flags, and personnel for warning the public both day and night, and for the safe direction of traffic and that the streets and the bridges in the streets along the route to be traversed by the moving are of sufficient width and strength and in condition to bear the moving of the building or structure described in the application and that such moving will not endanger any trees, shrubs, or improvements in, upon, or adjacent to any street. (Ord No. 4112; Ord No. 42-84)

**83.160. Insurance Required of Applicant.** No permit to move a building or structure shall be granted unless the mover shall furnish an insurance policy which shall be approved by the city attorney as follows:

(a) All vehicles to be used in accomplishing the move of any building shall have automobile liability insurance or qualified self-insurance meeting the minimum requirements of Oregon's Motor Vehicle Financial Responsibility Law.

(b) For moving Class Two or Three buildings, the applicant shall carry "commercial general" or "comprehensive general" liability insurance including the "explosion, collapse, underground" hazard coverage, in not less than \$500,000 combined single limits per occurrence. (Ord No. 4623; Ord No. 93-74; Ord No. 42-84; Ord No. 87-88; Ord No. 18-92)

**83.165. Permit Bonds or Other Security Required.**

(a) No permit to move a Class Two or Three building to any location within the city shall be granted unless the applicant shall furnish a bond or other security as provided in this section.

(b) The bond or other security shall be conditioned upon the applicant's faithful performance of

all obligations imposed by this Chapter, including obligations referenced in this chapter.

(c) The bond or other security shall be in not less than the following sums:

(1) For any building to be used for purposes which would cause its classification as an R-3 or M occupancy under Chapter 56 of this Code, the sum of \$3,500.

(2) For any other building, a sum equal to \$0.50 per square foot of floor area as determined under Chapter 56 of this Code.

(c) Every bond shall be issued by a corporate surety authorized to transact business within the State of Oregon, and shall be subject to review and approval as to its form by the city attorney.

(d) In lieu of a bond the applicant may furnish cash or a certified or cashier's check in the amount determined under subsection (c) of this section. In addition the applicant shall sign an agreement in a form approved by the city attorney which shall stipulate that the security thus furnished is conditioned upon the same obligations as would be required under the bond for which it substitutes. If the security is cash on deposit as provided in subsection (e) of this section, the agreement shall further stipulate that the applicant waives any and all claim against the depository for release of any or all funds on deposit when such withdrawal is authorized by signature of the city's director of finance or other authorized signature.

(e) The applicant may deposit cash security in a demand deposit account with a federally insured banking institution. Such an account shall be in the name of the City of Salem, Oregon as account holder, and the applicant shall provide the necessary signature cards for execution by the city's director of finance or designee covered by a public official's fidelity bond. Interest, if any, accruing to said account shall be subject to forfeiture upon default under the same terms as the principal sum deposited as security. Upon release of such security both principal and interest, if any, shall become the property of the applicant, and the city's finance director shall execute all necessary documents to transfer the city's interest therein.

(f) Upon default of any of the applicant's obligation under this chapter, the proceeds of any bond or security deposit shall be forfeited to the city and the monies used to abate any public nuisance as declared in this code which was created by the applicant's default. In abating any such nuisance the city shall not be required to complete the relocation work contemplated by the applicant, and may demolish any dangerous building pursuant to SRC 56.200 to 56.450.

(h) In the event the proceeds of any bond or security are insufficient to abate the nuisance, the applicant shall pay the difference within the ten days of demand. (Ord No. 18-92)

**83.170. Fees.** When application is made for a permit under this chapter, the applicant shall pay the fees as prescribed by resolution of the council. (Ord No. 4112; Ord No. 42-84; Ord No. 78-85; Ord No. 51-91; Ord No. 51-96)

**83.990. Violations.** Violation of SRC 83.010 to 83.050 is an infraction. (Ord No. 193-79)

