

1356.04 DEPOSIT FOR EXPENSES AND DAMAGES.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1356.04 DEPOSIT FOR EXPENSES AND DAMAGES.

CHAPTER 1356 Moving Buildings

1356.03 PERMIT APPLICATION AND FEE.

A person seeking issuance of a permit hereunder shall file an application for such permit with the Building Inspector.

(a) Form. The application for the moving of a building into, within, through or from the City shall be made on forms provided by the Building Inspector and shall be filed in the office of the Building Inspector.

(b) Contents. The application shall set forth:

(1) A description of the building proposed to be moved, its street number, construction materials, exterior dimensions and height, number of rooms and condition of exterior and interior and sufficient structural information so that the Building Inspector may determine that the building, when moved, will comply with this Building Code;

(2) A description of the lot from which the building is to be moved, if located in the City;

(3) A description of the lot, if located within the City, to which it is proposed such building be moved to, giving lot, block and tract number;

(4) A plot plan showing the proposed location of the building when moved, if the building is to be moved to a location within the City;

(5) The highways, streets and alleys over, along or across which the building is proposed to be moved;

(6) The proposed moving date and hours;

(7) Photographs of all four elevations of the building;

(8) Any additional information which the Building Inspector finds necessary for a thorough inspection of the building and a fair determination of whether a permit should be issued.

(c) Accompanying Papers.

(1) Tax certificate. The owner of the building to be moved, if such building prior to moving is located within the City, shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of encumbrances and that all current taxes and any City current charges or assessments against the same are paid in full.

(2) Certificate of ownership or entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence that he is entitled to move the building.

(3) Utility consents. Where utility companies supplying services to the City will be affected, the applicant shall file with his application suitable letters of clearance of such utility companies consenting to the removal. It is determined that the following utilities will be affected except when the removal is limited to a relocation on the same or an abutting lot and no portion of any City street will be entered upon:

Electric (Ohio Edison Company)

Telephone (Lorain Telephone Company)

Gas (The Columbia Gas of Ohio Company)

Railroads (The Norfolk & Western Railroad
Company, only where moving route
crosses tracks)

Water and Sewer (City of Sheffield Lake)

(Ord. 88-69. Passed 9-23-69.)

(d) Fees.

(1) The application shall be accompanied by an inspection fee in the amount of fifty dollars (\$50.00). The applicant shall make arrangements to afford an adequate inspection when initially

made. Should the applicant fail to do this and thus necessitate additional inspections, the Building Inspector is authorized to require an additional fifty dollars (\$50.00) inspection fee for each such additional inspection necessary.

(2) The application shall also be accompanied by a permit fee in the amount of two hundred and fifty dollars (\$250.00).

(3) The permit issued and fees charged pursuant to this chapter shall not be considered as a permit or license to install or erect the structure moved, and any person moving a building shall obtain all permits and pay all applicable fees required by this Building Code for new construction to the same extent as if he were erecting a new building.

(4) The applicant shall submit to the Division of Building Inspection a copy of excess load and weight permits secured from the State.

1356.04 DEPOSIT FOR EXPENSES AND DAMAGES.

The applicant shall deposit with the City one thousand dollars (\$1,000) cash or a certified check in the same amount to indemnify the City against expenses or damages incurred itself or by its residents and property owners as a result of the building moving operation. Such deposit shall be held for a period of sixty days after completion of the moving which is deemed to be when the building is placed on the foundation. At the expiration of such sixty-day period, if no such expenses or damages are claimed, or having been claimed, have been satisfactorily adjusted by the applicant, such deposit will be returned to the applicant. If claims of damages are still being made at the end of such period, the City may, at its option:

(a) Apply so much of the deposit as may be necessary to satisfy such claim and refund the balance;

(b) Retain, subject to a decision of a court or of the parties involved, an amount necessary to satisfy such claim and refund the balance, or

(c) If the report of a claim has been acknowledged by the insurance company providing coverage for the applicant, then the deposit may be refunded.

(Ord. 88-69. Passed 9-23-69.)

1356.05 LIABILITY INSURANCE.

An application hereunder shall be accompanied by a liability insurance policy or adequate certificate thereof issued by an insurance company authorized to do business in the State and approved as to form by the Director of Law, in limits for bodily injury or loss of life of one hundred thousand dollars (\$100,000) per person, three hundred thousand dollars (\$300,000) per accident, and property damage liability of one hundred thousand dollars (\$100,000) per accident. Such insurance shall serve as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street, alley, sidewalk, fire hydrant, traffic control signal or other property of the City which may be caused by or be incidental to the removal of any building over, along or across any street in the City and to indemnify and save the City harmless from any claim for damages to persons or private property or legal expense as a result thereof, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the City. Such insurance coverage shall also include protection in the event of explosion, collapse or damage to underground utilities and shall include a thirty-day minimum notice of cancellation provision. (Ord. 88-69. Passed 9-23-69.)

1356.06 DUTIES OF BUILDING INSPECTOR.

(a) Inspection. The Building Inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met. (Ord. 88-69. Passed 9-23-69.)

(b) Standards for Issuance. The Building Inspector shall refuse to issue a permit if he finds that:

(1) All requirements of this Building Code and the Zoning Code will not be met by such building in its proposed location;

(2) Any application requirement or any fee or deposit requirement has not been complied with;

(3) The building is of such physical dimensions and/or conditions as to preclude movement without endangering persons or property in the City;

(4) 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 persons and property in the City;

(5) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;

(6) The applicant's equipment is unsafe and persons and property would be endangered by its use;

(7) For any other reason persons or property in the City would be endangered by the moving of the building;

(8) The removal location to which the building is to be removed if such removal location is in the City, does not have sufficient frontage on a developed street to comply with all requirements of the ordinances of the City and its Building Code and Zoning Code.

(9) If the removal location to which the building is to be removed, if the removal location is located in the City, is not serviced by all utilities including, but not limited to, water, storm sewer and sanitary sewer. (Ord. 87-89. Passed 11-28-89.)

(c) Issuance. The Building Inspector shall issue a permit for moving of such building if all requirements of this chapter are met.

(d) Fees and Deposits.

(1) Deposit. The Building Inspector shall deposit all fees and deposits and all bonds or insurance policies or certificates with the Finance Director.

(2) Return upon nonissuance. Upon his refusal to issue a permit, the Building Inspector shall return to the applicant all deposits, bonds, insurance policies and permit fees. Inspection fees filed with the application or thereafter charged and paid shall not be returned

(3) Return upon allowance for expense. After the building has been moved, the Building Inspector shall furnish the Finance Director with a written statement of all expenses incurred in moving and replacement, together with a statement of all damage caused to, or inflicted upon, property belonging to the City. The Finance Director shall authorize the Building Inspector to return to the applicant the expense and damage deposit after the Finance Director deducts the sum sufficient to pay for all damage to property of the City by reason of the building. Permit fees deposited with the application shall not be returned. Moneys may be retained to satisfy claims of private individuals in accordance with Section 1356.04 .

(e) Designate Streets for Removal. The Building Inspector shall procure from the applicant a list of designated streets over which the building is to be moved. The Building Inspector shall have the list approved by the Police Chief and the Fire Chief, and shall reproduce the list upon the permit in writing. In making their determination, the Divisions of Police and Fire shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

(Ord. 88-69. Passed 9-23-69.)

1356.07 DUTIES OF PERMITTEE.

Every permittee under this section shall:

(a) Use Designated Streets. Move a building only over streets designated for such use in the written permit.

(b) Notify of Revised Moving Time. Notify the Building Inspector in writing of any and all changes in moving date and hours as proposed in the application, forty-eight hours prior to moving.

(c) Notify of Damage. Notify the Building Inspector in writing of any and all damage or injury done to property belonging to the City, and any other damage, within twenty-four hours after the damage or injury has occurred.

(d) Abide by Street Occupancy Period. Allow no building to be left standing on the improved or unimproved portion of any street overnight or for more than two hours during the daytime, unless an extension is granted by both the Police Chief and Fire Chief. Such an extension for overnight shall not be granted except in the case of extreme emergency.

(e) Comply with Governing Law. Comply with the Building Code, the Fire Prevention Code, the Planning and Zoning Code and all other applicable ordinances and laws upon relocating a building in the City.

(f) Pay Expense of Officer. Pay the expense of a traffic officer and for a Fire Division officer ordered by the Building Inspector to accompany the movement of the building, to protect the public from injury and damage.

(g) Clear Old Premises. Within forty-eight hours after moving the building, remove all rubbish and materials and fill all excavations to existing grade at the original building site, if located within the City, so that the premises are left in a safe and sanitary condition.

(h) Remove Service Connection. See that the sewer lines are plugged to the satisfaction of the Division of Sewers and that the water is shut off and the meter returned to the City.

(i) Protect Foundation. Move the house onto its new foundation and backfill within sixty days after moving the building to the new location, providing adequate safety measures in the interim.

(Ord. 88-69. Passed 9-23-69.)

1356.08 ENFORCEMENT.

(a) Enforcing Officer. The Building Inspector shall enforce and carry out the requirements of this chapter.

(b) Permittee Liable for Expense Above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities and the Director of Law shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(c) Original Premises Left Unsafe. The City may proceed to do the work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter and the cost thereof shall be charged against the deposit required by Section 1356.04 .

(Ord. 88-69. Passed 9-23-69.)

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