

updated
4-26-12

ORDINANCE 87 AN ORDINANCE REGULATING HOUSE MOVING

WHEREAS, the City Council finds it is necessary to preserve and maintain the public health, safety and welfare of the citizens of Coahoma, Texas, and

WHEREAS the City Council finds that moving buildings within the corporate limit of Coahoma may be hazardous to the public well being and should be appropriately regulated; and

WHEREAS the City Council finds that moving buildings should be permitted and conducted only by licensed individuals; therefore the City of Coahoma, Texas hereby adopts the following regulations related to dangerous buildings in the city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COAHOMA, TEXAS: THAT THE FOLLOWING REGULATIONS SHALL BE EFFECTIVE ON THIS DATE,

April 26, 2012

ARTICLE 1.

Section 1. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

House: Any building or structure used or designed to be used for human habitation or occupancy in any manner or for any purpose.

House moving: The transportation of a house from place to place along or across any public street within the corporate limits of the city.

Licensee: Any person who shall obtain and have a current license as provided in Section 2 of this ordinance.

Permit: Any permit issued by the city which authorizes the moving of a building.

Street: Any part of the street, exclusive of the sidewalk area.

Section 2. Permit required; exceptions.

(a) Permit required.

(1) Before any house, building or structure of any kind, over the maximum loaded height of 14 feet, maximum width of eight feet, six inches, or maximum length of 65 feet, is moved over or along any street, highway, alley or public way in the city, the person proposing to do such moving shall first secure a permit from the City Secretary authorizing the applicant to move such house, building or other structure. A ~~\$50.00~~ permit fee for moving any building or structure shall be paid. *Estimated cost, min of \$5.00*

(2) Each individual house, building or other structure moved under the terms of this ordinance shall require the issuance of a separate permit.

(b) Exceptions. The following do not require a moving permit from the City Secretary:

(1) A house, building or other structure of any kind originating outside the city limits and only passing through the city on a state highway or interstate highway.

(2) Transporting mobile homes.

(3) A structure built on-site for the express purpose of being relocated to another site, and which does not exceed a loaded height of 14 feet, a width of 12 feet or a maximum loaded length of 65 feet.

(c) *Specifications:* The City Secretary must specify on the permit the acceptable transportation route, total permissible height and width of structure moved and the moving vehicle, and may require any other reasonable conditions.

(d) *Permanent location and installation:* It shall be unlawful for any person to begin or complete the moving of any house onto any property in the city unless the permanent location and installation of such house on such property complies with this ordinance in all respects.

(e) *City permit required:* It shall be unlawful to begin razing a house or structure from its foundation or moving it prior to obtaining a valid city permit.

(f) *Permit display:* The approved permit must be displayed to the public on the building or structure at all times prior to moving and during moving.

(g) *Exceptions.* The following do not require a moving permit from the City Secretary:

(1) A house, building or other structure of any kind originating outside the city limits and only passing through the city on a state highway or interstate highway.

(2) A structure built on-site for the express purpose of being relocated to another site, and which does not exceed a loaded height of 14 feet, a width of 12 feet or a maximum loaded length of 65 feet.

Section 3. Time restrictions.

The maximum period of time which any house or other building shall be allowed to remain in the streets of the city while being moved shall be 48 hours.

Section 4. Manner of moving.

During the entire time that a house being moved is occupying any street the licensee shall keep it continuously in motion toward its destination and shall not allow the work of moving to stop.

Section 5. Disconnecting utilities by city; fee.

City utilities must be disconnected; only the city water department shall disconnect and seal all utility openings. Appropriate fees shall be paid to the city.

Section 6. Cutting down trees or branches.

It shall be unlawful for any licensee engaged in moving a house or other building to cut down any tree growing within any public right-of-way or to cut any branches from such right-of-way without having first obtained permission from the City Secretary.

Section 7. Disconnecting utilities by licensee.

It shall be unlawful for any licensee to disconnect any electric light and power connection, gas connection, or telephone connection from any house which he proposes to move without the written consent of the public utility owning such connection.

Section 8. Notice to utility companies.

It shall be the duty of the person, firm or corporation moving the house or building to give immediate notice of the move to any and all companies maintaining overhead wires across or along any street or alley included in the designated route along which such house or building is to be moved. Said company or companies shall be told the time when the move is to be undertaken and when it will be necessary to raise or cut such wires. Any and all fees associated with utility work shall be paid to the appropriate utility company prior to moving of the building inside the city limit.

Section 9. Notice of completion; inspection of route; repair; certificate of facts and amount of damage.

(a) Whenever a licensee has completed the work of moving a house under a permit, and the house no longer occupies any part of the street, he shall promptly notify the City Secretary of such fact.

(b) The City Secretary shall cause an inspection to be made of the route of moving and the installation of the house.

(c) If the City Secretary finds that the licensee has caused damage to the streets, curbs, gutters, sidewalks or other public property, he or she shall notify the licensee of such fact, specifying the damage by mailing a written notification at either of the addresses listed in the licensee's application. The licensee shall proceed within two days from the date of such notification to begin work of repairing the damage, which work shall be promptly done and completed under the supervision of and to the entire and complete satisfaction of the City Secretary.

(d) If the licensee fails to begin work in two days, or fails to continuously proceed therewith promptly and expeditiously or fails to complete it to the entire and complete satisfaction of the City Secretary, the City Secretary may promptly and at his or her discretion cause the damage to be repaired on behalf of the city. In such case, the City Secretary shall make and execute a certificate, setting out the relevant facts pertaining to the transaction, and shall certify therein the amount of damage sustained by the city.

(e) Upon filing of the certificate in the office of the City Secretary, the amount stated therein shall become a sum, liquidated and certain, owed to the city by the licensee and the surety on his bond and, in any suit involving said sum, the facts recited in said certificate and the amount of damage certified therein shall be presumed to be true and binding upon the licensee and his surety in the absence of clear, convincing and unmistakable proof that the City Secretary has acted arbitrarily and without any evidence of such facts.

Section 10. Escort.

No person, firm or corporation shall move any structure across or along any street, public right-of-way, or place within the city unless accompanied by an escort company or by a peace officer designated by the Howard County Sheriff's Office. A fee of \$25.00 per hour shall be paid for such escort service. Fees shall only be charged while the permitted moving process is inside the Coahoma corporate boundary.

Section 11. Ad valorem taxes.

No permit shall be issued to move any house, building or other structure from any location until the applicant furnishes the City Secretary with certificates from the Howard County Appraisal District indicating the status of ad valorem taxes on the property. Any delinquent property taxes relevant to the house or building being moved or the property where it will be located will have to be addressed to the satisfaction of the city.

Section 12. Issuance of permit.

The City Secretary shall grant the issuance of a permit under this ordinance when all of the facts, information and approvals required herein have been furnished by the permit applicant.

Section 13. Appeal of denial.

(a) Should the City Secretary refuse to issue any permit, the applicant shall have the right of appeal to the City Council. The applicant desiring such appeal shall file a written appeal with the City Secretary within 15 days of the denial of a permit, which shall include a brief statement of the reasons for the appeal and a detailed statement of facts supporting the appeal. Upon the expiration of the 15-day period without a written appeal being filed with the City Secretary as provided in this subsection, the denial shall become final.

(b) Any applicant who is dissatisfied with the denial of a permit by the City Council may appeal to any district court, which shall determine whether or not the decision of the City Council was supported by substantial evidence. The appeal shall not stay the effect of the decision appealed from unless the court to which the appeal is taken shall so order. Upon expiration of the 15-day period without an appeal having been submitted as provided in subsection (a) above, the ruling of the city council shall become final.

Section 14. Certain work required.

At the time that any house, building or other structure is removed from a property by moving or razing, the owner of the property shall complete the following work, as evidenced by the owner's signature on a no fee additional work agreement:

- (1) Remove all floor slabs, foundations, footings, sidewalks, fences and posts;
- (2) Clear and remove all loose tree limbs, appliances and other trash, weeds, tall grass and other debris within 25 feet of the building perimeter;
- (3) Fill in all holes or depressions remaining at the building site, and level the area to facilitate future mowing maintenance;
- (4) Mow the grass;
- (5) After coordination with the plumbing inspector, plug all sewer lines with concrete; and
- (6) Complete all of the requirements of subsections (1)--(5) of this section within 30 days of the actual moving or completion of razing of the house, building or structure from the property.

Section 15. Skirting Required.

After a house has been properly permitted for placement but prior to occupancy, skirting material shall be placed between the natural grade and the floor of the house so as to screen the support structure and related utility connections and to limit health and safety hazard. Such skirting material shall be composed of painted or stained wood, or brick or stucco or stone.

Sections 16-18. Reserved.

ARTICLE II. LICENSE

Section 1. Required.

It shall be unlawful for any person to move any house along or across any public street within the corporate limits of the city without being licensed to engage in the business of house moving.

Section 2. Application.

Any person desiring to engage in the business of house moving shall make application for a license to the City Secretary of the city. Such application shall be in writing and shall contain the following:

- (1) The name of the applicant and his residence and business address. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.
- (2) A statement that the applicant, or officers if the applicant is a corporation, have read and thoroughly understood the terms of this ordinance and agree to abide by its terms in the business of house moving.
- (3) The application shall contain such other information as may be required by the City Secretary, including the applicant's permission to review his traffic and criminal record.
- (4) The City Secretary, in his or her sole discretion, may deny the application based upon an unsatisfactory traffic record, criminal record, route, safety hazard, failure to provide required insurance and/or bond, or any other relevant reason.

The application shall be signed by the applicant, if an individual; by a partner, if a partnership; by the president, if an association or corporation.

Section 3. Fee and expiration date.

The applicant for a house moving license shall pay an annual license fee of \$100.00; however, all licenses shall expire and be renewed on March 31, regardless of whether the license has been in effect a full year.

Section 4. Bond.

- (a) The applicant for the license required by this ordinance shall file with the city a bond executed by the applicant and by a good and sufficient corporate surety company which is incorporated under state law or authorized to do business in Texas and which has fully paid-up capital stock of at least \$100,000.00. Such bond shall be in the sum of \$10,000.00 and conditioned that the principal obligor, if granted a license, will engage in the business of house moving within the corporate limits of the city in strict accordance with the terms of this ordinance and will pay to the city any and all damages to streets, curbs, gutters, water lines, fire hydrants and other public property while moving houses, and further conditioned that the principal obligor will pay to the city as minimum liquidated damages the sum of \$200.00 per day for each day or part of day that any house being moved by the obligor shall remain on any street in excess of the number of days shown in the permit for moving such house issued to such licensee by the city. The bond shall contain a provision that the parties recognized that the damages to the city occasioned by any house remaining on any street in excess of number of days shown in the permit will in all probability be difficult to ascertain and consequently that the parties have agreed on the minimum amount of such damages. Such bond shall contain a further provision that the amount agreed upon is the minimum amount of damages which the city will sustain in any event and that the city shall not be prevented from proving and claiming any ascertainable amount in excess of such minimum sum.
- (b) Such bond, while made payable to the city, shall also insure to the benefit of any person damaged or injured in any manner by the principal obligor by reason of the moving of any house within the corporate limits of the city, other than agents, servants or employees of said principal obligor.
- (c) The bond shall contain a provision that it shall not be exhausted until recovery of its full amount is obtained.

Section 5. Insurance.

Prior to obtaining a license the applicant shall file with the city secretary a valid certificate of insurance in the amount of \$300,000.00 each person and \$500,000.00 each accident bodily injury liability, and in addition, not less than \$100,000.00 property damage coverage. The insured party must notify the city 15 days prior to cancellation of the policy and name the city as an "additional insured" on the face of the valid certificate of insurance.

Section 6. Issuance.

The City Secretary shall examine the application and bond and if satisfied that the same are in order and that the surety signing the bond is good and sufficient, shall issue to the applicant a license to engage in the business of house moving in the city.

Section 7. Transfer.

The house moving license shall constitute a personal privilege and shall not be transferable.

Section 8. Renewal.

A house moving license may be renewed upon the filing of a new application, payment of the required fee and filing of a new bond and certificate of insurance, all as required by this ordinance.

Section 9. Suspension or revocation.

The City Secretary is empowered to suspend or revoke the license of any licensee who violates any provision of this ordinance. Such suspension or revocation shall not bar a prosecution for the same offense.

Sections 10-12. Reserved.

ARTICLE III

Section 1. Savings and severability.

(a) The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

(b) If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Coahoma hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

A handwritten signature in dark ink, appearing to be "Wanda L. H.", is located on the left side of the page.

