

ORDINANCE NO. 72

AN ORDINANCE REGULATING THE MOVEMENT OF BUILDINGS INTO AND WITHIN THE CITY OF TROUTDALE; PRESCRIBING THE REQUIREMENTS FOR OBTAINING A PERMIT FROM THE CITY RECORDER FOR MOVING SUCH BUILDING, PRE-FIXING PENALTIES FOR VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. No person, firm or corporation shall move a building into the City of Troutdale or from one location in the said city to another, without first applying for and receiving a permit from the City Recorder.

SECTION 2. Such applicant shall file with the City Recorder, an application for the proposed moving, signed by the owner of the building, or his authorized agent, and shall pay at such time a moving fee; the fee shall be as follows:

- (a) For buildings not exceeding 300 square feet in floor area, Twenty-five (\$25.00) Dollars;
- (b) For buildings having a floor area of over 300 square feet in floor area but not over 650 square feet in floor area, Fifty (\$50.00) Dollars;
- (c) For buildings having a floor area greater than 650 square feet, Sixty-five (\$65.00) Dollars;

said fees shall be paid to the said City to help defray costs of investigating and determining the advisability of granting the permit.

The applicant shall file with the City Recorder, a description of the building to be moved, the property to which it is to be moved, by legal description, a plot plan, showing the width of the property onto which the building is to be moved, and the location of the building on such property, and the size of the lot or area onto which the building is to be moved, and a statement as to the use and occupancy of such building. The Building Inspector shall investigate the proposed moving, as to soundness and strength of building, fire hazard, if any, sanitary hazard, or living conditions for the occupants of such building, and suitability of such building for the area into which it is to be moved, and shall approve or deny the application, subject to approval of owners of adjacent property as herein-after provided, based upon the findings of facts by the Building Inspector. The City Recorder shall thereupon notify the applicant of its decision. If such application is approved by the Building Inspector, the City Recorder shall then notify the owners of property in the affected district as provided in section following.

SECTION 3. To the application shall be attached a list of the names and addresses of the owners of all property, together with information sufficient to locate that property within a district bounded by lines 400 feet from and parallel to or concentric with the sidelines of the property, herein called the "affected area". The City Recorder shall notify by mail the owners of property within said affected district of the proposed moving of the building, and if, within ten (10) days from the date said notice is mailed, protests representing more than twenty-five (25%) per cent of said property, calculated according to area, are filed with the City Recorder, the application shall be denied and such moving shall not be lawful unless the application is submitted to and approved by the City Council. If protests be made by the owners of twenty-five (25%) per cent or less of the property owners in the affected area, then the City Recorder shall issue a permit, and such moving shall be lawful.

SECTION 4. As an alternative to approval of property owners in adjacent district, the applicant may file with his application a waiver of objection to such moving by owners of not less than ninety (90%) per cent of the property owners in the affected area as defined in Section 3. The application with the required signatures shall be presented to the City Recorder for checking before any permit is

issued. No portion of the original main structure shall be dismantled, excepting, however, porches, and fireplaces and chimneys. The roof shall not be removed.

Before the Building Inspector may approve the plans, the plumbing and wiring must be inspected and must meet the City Building Code. A detailed set of plans showing the foundation and any changes or additions to the house must be filed with the Building Inspector for approval; all construction, including wiring and plumbing, must meet the Building Code.

SECTION 5. With the application shall be furnished a corporate surety bond running to the City, in the penal sum of One Thousand (\$1000.00) Dollars. This bond will be conditioned and provide that the house or building being moved shall be completed according to the plans on file with the Building Inspector within sixty (60) days after the building has been moved. This is a penalty bond for failure of the applicant to complete the house or building as agreed in the application, to the satisfaction of the City; its purpose is to eliminate delay in completion, resulting in numerous complaints filed with the City by adjoining owners as a nuisance, and to cover the City's cost of restraining or ordering the discontinuance of any nuisance. The City Building Inspector is to pass upon completion of the building with the same requirements to be met as upon any new construction or remodeling within the City under the Building Code. Upon completion of the structure it must be inspected and passed by the Building Inspector before occupancy.

SECTION 6. The applicant for a license as a building mover shall also file with the City Recorder before the license is issued a bond running to the City in the penal sum of One Thousand (\$1000.00) Dollars executed by a corporate surety authorized to transact surety business in the State of Oregon. This bond shall be conditioned that the applicant, if granted a license, will in carrying on the business of house moving in the City, conform to all requirements relating thereto which are now or may be hereafter established by the Common Council; that the licensee will promptly repair and make good to the satisfaction of the Common Council any and all damage to any pavements, sidewalks, crosswalks, hydrants, sewers, water lines, streets, alleys or other public or private property done or caused by the licensee, his servants or employees, in moving any building or portion of a building or in connection with the moving thereof. The applicant will further provide, before the license is issued, public liability policy in the limit of \$5000.00 property damage, \$25,000.00 personal injury for any one person and \$100,000.00 for any one accident in a form acceptable to the Common Council, such policy providing protection against any damage done or injury received in the course of such building moving.

SECTION 7. A building moved on the streets of the City shall be moved in compliance with the requirements of the Marshall of the City, as pertain to the movement of traffic within the City.

SECTION 8. The application for permit shall be upon the form required by the City Recorder. Waivers of the prescribed property owners within a distance of 400 feet, exclusive of streets, of the lot onto which the property is to be moved, as defined in Section 3, of this ordinance shall contain the information required by the City Recorder.

SECTION 9. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00, or by imprisonment in the City Jail for a period not to exceed six months or by both such fine and imprisonment.

SECTION 10. Any misstatement or inaccuracy in the application or list of property owners adjoining, or waiver, as herein specified, shall be sufficient grounds for the revocation by the City Recorder of any permit issued. After such revocation, it shall be unlawful to continue such moving operation.

SECTION 11. The duty to be performed herein by the Building Inspector may be performed by the City Marshall.

SECTION 12. The unauthorized and unregulated movement of buildings into the City is a threat to peace, health, safety and general welfare of the City and an emergency is hereby declared to exist and this ordinance shall go into full force and effect immediately after its passage by the Common Council and its approval by the Mayor.

Passed by the Common Council of the Town of Troutdale this 12 day of June, 1962.

YEAS: 6

NAYS: 0

Signed by the Mayor this 12 day of June, 1962.

Vernon Rothman
MAYOR

ATTEST:

R. Shwitt
RECORDER