

Chapter 11

BUILDING RELOCATION

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Sec. 11-1. Purpose and Scope.

The purpose of this Chapter is to provide minimum standards and provisions for the safe relocation of buildings and structures within or to the City, and to provide for performance security of said structures.

(Ord. 2005-01, 01/18/2005)

Sec. 11-2. Definitions.

The following definitions are provided for the sole purpose of proper interpretation and administration of this Chapter.

- A. *Approved Moving Contractor.* A person who, upon satisfactory proof of liability insurance, coverage and qualifications, is approved as a mover by the Code Official.
- B. *Code Official.* The Building Inspector or Building Official of the City.
- C. *Moving Permit.* An official document issued to an approved moving contractor authorizing a structure to be relocated within, to or from the City.
- D. *Relocation Compliance Inspection.* An official document issued to the owner of the structure and/or agent, authorizing the Code Official to

perform inspections on the structure for compliance with current adopted Codes, or determine if the structure is unsafe for relocation or occupation.

(Ord. 2005-01, 01/18/2005; 2021-09, 07/19/2021)

Sec. 11-3. Requirements for Relocation.

- A. Any building or structure relocated within the City limits shall have a final appraised evaluation of not less than the average appraised evaluation of the surrounding buildings or structures, said appraised evaluation to be determined by the Latah County Assessor, or a certified land appraiser.
- B. No moving permit shall be issued to relocate any building or structure which is so constructed, or in such condition as to be dangerous or unsafe or which if it is to be a dwelling, is unfit for human habitation, or which is dilapidated or defective or in such a state of deterioration that its relocation at the proposed site would create a safety or health hazard or other condition prohibited by this Code or the Idaho Code.
- C. No masonry fireplace or chimney shall be moved or relocated within the City. Where a building or structure is to be relocated, masonry chimneys and fireplaces shall be removed prior to transportation and shall be reconstructed in accordance with this Code and the Idaho Code.

(Ord. 83-6, 6/20/83; 84-16, 8/6/84; 2005-01, 01/18/2005)

Sec. 11-4. Plans Required.

No moving permit shall be issued until

- A. Plans and specifications as required by this Code for all alterations, additions, changes and repairs proposed to be made to the building or structure when completed at its proposed location have been filed with and approved by the Code Official;
- B. Required building, plumbing, electrical, gas/mechanical, sewer, and

- water permits have been issued;
- C. Related fees have been paid; and
 - D. The Code Official has conducted a relocation compliance inspection.

Nor shall such permit be issued if the building or structure when completed in accordance with such plans would violate this Code or the Idaho Code.

(Ord. 2005-01, 01/18/2005)

Sec. 11-5. Conditions of Permit.

All issued permits shall be conditioned upon the relocation of the building or structure in accordance with the plans and specifications filed and approved by the Code Official and compliance with time limits established by the adopted Codes.

(Ord. 2005-01, 01/18/2005)

Sec. 11-6. Proposed Route.

- A. Before a moving permit is granted, the mover shall deliver to the City proof of liability insurance in an amount sufficient to cover the cost of actual moving and related expenses occurred, said amount to be determined and approved by the Code Official, and to hold harmless the City against any loss or damages arising out of or incident to the moving of the building or structure.
- B. The applicant for a moving permit shall state in writing the public streets proposed to be used, if any, and approximate time schedule of the move along the proposed route. The City Engineer shall have the proposed route examined and shall approve the same if the proposed use of the streets can be made without causing permanent damage to the pavements, fixtures and/or street trees along the route and will not unduly disrupt pedestrian and/or vehicular traffic. If required by the City Engineer, the applicant shall furnish separate security on any workmanship or materials involved in removal and replacement activities. Such security shall be returned to the permittee upon satisfaction of the City Engineer that no damage to City property or extra costs were incurred

while the structure was being moved.

(Ord. 2005-01, 01/18/2005)

Sec. 11-7. Public Utilities Affected.

- A. No moving permit shall be issued until the applicant presents written evidence from the City and each public utility whose property fixtures or equipment will be affected, endangered or disturbed by the proposed move which establishes that the applicant has made a sufficient deposit to pay or has otherwise secured the payment of the estimated cost of the temporary removal and replacement, restoration or protection of such property, fixtures and equipment and established the estimated expense of the Police Department and Public Works Department of the City in connection with such move. Said notice shall be served to the person or entity determined by the Code Official to require notice of an action necessary to assist in the removal and/or relocation of the structure forty-eight (48) hours before the proposed start time of the move.
 - B. Upon receipt of such notice, it shall be the duty of those notified to move, raise or otherwise dispose of its wires or other instrumentalities in such time and manner as will not cause unreasonable delay to the holder of the permit, all of which shall be done at the expense of the applicant.
 - C. Before any building or structure is moved over or on any public street, the Police Department and the City Engineer shall be notified and they may direct the moving at a time and route agreed upon.
- (Ord. 83-6, 6/20/83; 2005-01, 01/18/2005)

Sec. 11-8. Moving Security Required.

No moving permit shall be issued unless the applicant therefor shall first post with the Code Official a bond security acceptable to the Code Official executed by the owner of the premises where the building or structure is to be relocated. Such security

shall name the City as Obligee and shall be in an amount equal to the entire cost plus twenty-five percent (25%) of the building or structure to be moved, all work required to be performed, and all required fees and permits in order to remove the structure from its present location and to relocate the same in its proposed location together with all proposed alteration, additions, changes and required repairs proposed to be made, as indicated by the plans therefor, said cost to be estimated by the Code Official.

(Ord. 86-01, 1/6/86; 2005-01, 01/18/2005)

Sec. 11-9. Conditions of Security.

Every relocation bond or security filed shall be conditioned as follows:

- A. The building or structure shall be relocated in compliance with this Code, in accordance with the plans and specifications for such relocation, alterations, additions, changes and required repairs filed with and approved by the Code Official and in compliance with the conditions of the issued permits.
- B. The work required to be done pursuant to the conditions of the moving permit shall be fully performed and completed within the time limits specified in this Code and all applicable permits. Any of said time limits may be extended for good and sufficient cause by the Code Official, but no such extension shall be valid unless in writing and such extension shall not release the surety of the relocation bond or security.

(Ord. 2005-01, 01/18/2005)

Sec. 11-10. Default in Performance of Conditions; Notice.

Whenever the Code Official shall find that a default has occurred in the performance of any of the undertakings of the applicant for any of the issued permits in connection with the work contemplated thereby, or of the conditions of the permit therefor, written notice thereof, shall be given to the principal and to the surety of the bond or security. Such notice shall state the nature of the default, and in case of work to

be done, shall specify the work to be done, and the period of time within which work must be completed. Failure to comply with the notice of the Code Official shall constitute a default of the undertaking of said security or surety bond.

(Ord. 2005-01, 01/18/2005)

Sec. 11-11. Duty of Surety and Principal.

Upon receipt of such notice of default from the City, the surety shall, within the time specified therein, correct such default and in the case of work required to be performed, cause said work to be done within the time specified in said notice and upon its failure to do so, must forthwith pay to the City the face amount of its bond or security.

(Ord. 2005-01, 01/18/2005)

Sec. 11-12. Authority of the Code Official in Event of Default.

- A. Upon receipt by the City of the face amount of said bond from said surety, the Code Official shall proceed as deemed expedient to cause the required work to be performed and completed. Upon the completion of such work, the balance, if any, of the money paid to the City by said surety shall be returned to such surety, after deducting the cost of the work plus the City's cost of overhead and supervision. Neither the City nor the Code Official shall incur liability other than for the expenditure of funds delivered to the City for completion of the work.
- B. In case security other than a bond has been filed and said notice has not been complied with, the Code Official is authorized to use the security deposit to cause the required work to be done by contract or otherwise. The balance, if any, of such security shall, upon completion of the work, be returned to the permittee after deducting the cost of the work plus all costs incurred by the City in connection, therewith.

(Ord. 2005-01, 01/18/2005)

Sec. 11-13. When Building or Structure May Be Demolished.

When notice has been given and a default has occurred either on the part of the principal or the surety, the Code Official shall have the option, in lieu of completing the work required to cause the building or structure to be demolished and the site cleared, cleaned and restored; the cost thereof to be defrayed in the same manner as cost of completion of the building structure. (Ord. 2005-01, 01/18/2005)

of the surety or of the City engaged in the work completing, demolishing, or removing any building or structure for which a moving permit has been issued. (Ord. 83-6, 6/20/83; 94-02, 1/3/94; 2005-01, 01/18/2005)

Sec. 11-14. Termination of Security.

The term of each form of security pursuant to this Chapter shall begin upon the date of execution thereof and shall terminate upon the completion to the satisfaction of the Code Official of the performance of all terms and conditions of the issued permits. Such completion shall be evidenced by a statement thereof signed by the Code Official. The Code Official may issue release of a portion of the security deposit or bond if a substantial portion of the permitted work has been completed. Upon issuance of the Certificate of Occupancy for the moved structure, the full amount of the security must be released to the permittee. (Ord. 2005-01, 01/18/2005)

Sec. 11-15. Right to Enter Premises.

- A. In the event of any default in the performance of any term or condition of the relocation permits, the surety and/or the Code Official shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure.
- B. It shall be unlawful for the owner, owner's agents or any other person, after default has occurred in the performance of the terms, conditions or undertaking of the permittee in connection with the issued permits, to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent