

ORDINANCE NO. 2017-141

AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE, TITLE 11, CHAPTER 11.36 MOVING BUILDINGS, WITH PROVISIONS TO ALLOW MOVING OF HISTORIC BUILDINGS WITHIN THE CITY OF BENTONVILLE, ARKANSAS AND TO FURTHER REGULATE THE MANNER OF MOVING BUILDINGS THROUGH THE CITY OF BENTONVILLE, ARKANSAS AND DECLARING AN EMERGENCY.

WHEREAS, Title 11, Chapter 11.36 Moving Buildings was repealed and replaced with Ordinance No. 99-7 prohibiting the movement of buildings within or into the City of Bentonville; and,

WHEREAS, the City of Bentonville respects local history and the desire to preserve historical structures;

WHEREAS, Attachment A to this ordinance titled: "Attachment A: Moving Buildings Amendments" was available electronically before consideration of this ordinance by the City Council, and notice of that availability was duly published as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the Bentonville Municipal Code, Chapter 11.36 Moving Buildings, shall be and is hereby amended by reference with the following *Attachment A: Moving Buildings Amendments*, an electronic copy and paper copy of which is on file with the City Clerk, as though it were copied herein fully.

Section 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this 22nd day of August, 2017.

APPROVED:

Bob McCaslin
Mayor Bob McCaslin

ATTEST:

Linda Spence
City Clerk



Attachment A: Moving Buildings Amendments

Added text shown in red and highlighted.
Deleted text shown in grey strikethrough.

11.36.01 Permit required.

No person shall move any house, dwelling, structure or large heavy object on, over, along or across any street, alley or sidewalk within the city without first securing a **moving** permit therefore. No house, dwelling or structure shall be moved from outside or within the city to a location in the city, ~~except and excluding~~ **with the following exceptions.**

- (a) Only new manufactured buildings and new modular type buildings **may be moved from outside the city to a location in the city.**
- (b) **Historic structures as identified on the Arkansas Register of Historic Places or the National Register of Historic Places may be moved from a location in the city to another location in the city.**

Other houses, dwellings and structures may only be moved out of or through the city.

(Code 1994, § 11.36.01; Ord. No. 99-7, § 2)

State law reference – Transportation of houses and other structures, A.C.A. § 27-35-309.

11.36.02 Application for permits; contents.

Application for a **moving** permit required by this ~~chapter~~ **article** shall be made to the chief building inspector on forms to be provided by the building inspection department, which application shall state the loaded height and width of any structure or object to be moved, and shall designate the **primary and secondary** route over which the same is to be moved, and the time when the same is proposed to be moved. **The application shall state the intended use of the structure once arriving at its final location.**

(Code 1994, § 11.36.02; Ord. No. 99-7, § 3)

11.36.03 **Moving** permit fee.

The fee for a permit required by this ~~chapter~~ **article** shall be \$200.00 plus \$200.00 per mile the structure travels within the corporate limits of the City of Bentonville on the route so designated by the city planning department as described in section 14-387. Partial miles will be measured to the tenth mile and the permit fee prorated accordingly.

(Code 1994, § 11.36.03; Ord. No. 99-7, § 4)

11.36.04 Route to be established.

The city planning department in cooperation with the **police department and** moving contractor shall select the safest, most direct route out of or through the city as determined by the width of streets, height of overhead wires, setback of structures and other utilities adjacent to the street, proximity of trees to the street and volume of vehicular traffic. The route selected will be designated on the permit as the approved route of travel for the structure. Unapproved variance from the designated route will result in revocation of permit, forfeiture of the permit fee and prosecution. **Should a road closure be necessary to facilitate the move, the applicant shall obtain approval from the Traffic, Safety and Signage Committee. Structures shall not be moved on the following street sections:**

- (a) **Central Avenue, between NW/SW A Street and SE B Street;**

- (b) 2nd Street, between NW A Street and NE B Street;
- (c) Main Street between SW 2nd Street and Legion Lane; or
- (c) SE A Street, between SW 2nd Street and Legion Lane.

(Code 1994, § 11.36.04; Ord. No. 99-7, § 5)

11.36.05 Liability insurance required.

Each applicant for a permit required by this ~~chapter~~ article shall furnish a certificate of liability insurance to the chief building inspector against damages to persons or property, to include city infrastructure, by reason of such moving in the following amounts:

- (1) For bodily injury to any one person per occurrence, \$100,000.00.
- (2) For bodily injury to more than one person per occurrence, \$200,000.00.
- (3) For injury damage to property per occurrence, \$250,000.00.

(Code 1994, § 11.36.05; Ord. No. 99-7, § 6)

11.36.06 Maximum height and width of structure.

The maximum permissible loaded height of any building or heavy object to be moved shall be 18 feet and maximum permissible loaded width of any building or heavy object to be moved shall be 26 feet. Any request for a permit to move any structure or object which exceeds the maximum permissible loaded height or width shall be presented to the city council for their approval before the chief building inspector shall issue the permit.

(Code 1994, § 11.36.06; Ord. No. 99-7, § 7)

11.36.07 Notice required.

Any applicant desiring to move a house, structure or heavy object through or out of the city shall be required to file application for permit and notify the chief building inspector of such intent at least 30 days prior to the desired moving date.

(Code 1994, § 11.36.07; Ord. No. 99-7, § 8)

11.36.08 Structures to be moved in a timely manner.

All structures and heavy objects for which a moving permit has been issued, must be moved on the date specified on the permit. Failure to do so shall result in the revocation of the moving permit and loss of the permit fee to the city. If, in the opinion of the chief building inspector extreme climatic conditions have prevented the applicant from moving said structure, the inspector may designate another date for movement of the structure without penalty. Moves shall be allowed only on Sundays and shall be initiated between the hours of 7:00 a.m. and 11:00 a.m.

(Code 1994, § 11.36.08; Ord. No. 99-7, § 9)

11.36.09 Consent of owners of utility lines and coaxial cables.

Prior to the issuance of any permit required by this ordinance, the applicant shall furnish to the chief building inspector evidence of the consent of the owners of any utility lines or coaxial cables not owned by the city which will be moved as a result of moving the structure or heavy object for which the permit is to be issued. Concurrence with and any comments affecting the move must be obtained from all utility departments and the transportation department.

(Code 1994, § 11.36.09; Ord. No. 99-7, § 10)

11.36.10 Structures to be moved in accordance with terms of the permit.

It shall be unlawful for any person to move any structure or large object on, over, along or across any street, alley or sidewalk in the city, in a manner contrary to the terms of the permit secured for such moving.

(Code 1994, § 11.36.10; Ord. No. 99-7, § 11)

11.36.11 Penalties.

Failure of persons whom are moving structures or large, heavy objects through or out of the city to obtain a permit or comply with the requirements of this ordinance will be prosecuted and subject to fines of not more than \$500.00 per offense or \$1,000.00 for each repetition of such offense. The City will also seek restitution for any costs incurred by the city and any damages to city property, including infrastructure, or the property of others as a result of the violation.

(Code 1994, § 11.36.11; Ord. No. 99-7, § 12)

11.36.12 City to monitor the move.

A Bentonville police officer must monitor the move to ensure public safety and an employee from the street department must monitor the move for infrastructure damage. The applicant is responsible for costs associated with the police officer (\$150) and the street department crew (\$150) to monitor the move. These fees shall be paid prior to being issued a moving permit.

11.36.13 Building permits, zoning and inspections.

Those structures allowed to move into or within the city will be treated as a new build. Prior to the issuance of any moving permit required by this article, the applicant shall apply for and receive a building permit for the structure at the final location. The structure and intended use must comply with all building and zoning codes and pass all inspections as required for new construction. The building inspections department will inspect the structure at the original location prior to the move to ensure that all disconnections have been made properly. Current electric, plumbing, and mechanical codes shall be met.

11.36.14 -Modifications and site improvement completion.

Once moved, the owner of the structure has 90 days to complete all applicable code modifications and site improvements. The structure must be connected to city electric and water such as to allow a certificate of occupancy within 90 days. If connections are not made within that time frame, the structure must be demolished by the owner or failing that, by the city, with the cost to be added as a lien against the property. Applicants may request one extension of 30 days, or longer if authorized, in order to make all code modifications and site improvements.

11.36.15 Site cleaning.

The applicant shall be liable for the cleaning and grading of the vacated lot within 14 days of building removal. Such cleaning and grading shall be in a manner that insures maintenance of the health, safety, and welfare of the public.

MEMO



To: Mayor Bob McCaslin, City Council
From: Brian Bahr, Interim Community & Economic Development Director
CC Date: August 22, 2017
Re: Moving Buildings Amendment

Approval of an ordinance amending regulations regarding moving buildings with provisions to allow moving historic buildings within the city and to further regulate the manner of moving buildings through the city.

To respect local history, the city desires to allow the relocation of historic structures within the city limits. Current regulations do not allow for such relocation. An amendment to the Moving Buildings article of the city code is necessary to make this allowance.

In preparing this amendment, staff from planning, building inspection, streets, police, fire, utilities and public works identified issues that arise from moving structures along city streets. They identified strategies to better manage those issues and incorporated them as amendments to the Moving Buildings article.

<u>Issue/Concern</u>	<u>Strategy</u>	<u>Sec. No.</u>
Maintenance of local history and preservation of historic structures.	<ul style="list-style-type: none">• Allow historic buildings to be relocated from one location in the city to another location in the city.	Sec. 14-384
Conflicts for the day and time of the move with special events, first day of school, etc.	<ul style="list-style-type: none">• Only allow moves on Sundays, with the move starting between 7 am – 11 am.	Sec. 14-391
Awareness of the moving route to manage public safety and traffic.	<ul style="list-style-type: none">• Application has to include both a primary and secondary route.• PD officer to monitor the move for public safety – cost paid by the applicant (\$150).• Identify specific streets that a house cannot be moved on...i.e. through the square.	Sec. 14-385 Sec. 14-395 Sec. 14-387
Damage to infrastructure – signs, trees, signal poles, electric poles, fire hydrants, etc.	<ul style="list-style-type: none">• Confirm that the insurance provided covers infrastructure damage.• Street team personnel to monitor the move to identify any infrastructure damage – cost paid by the applicant (\$150).	Sec. 14-388 Sec. 14-395

<u>Issue/Concern</u>	<u>Strategy</u>	<u>Sec. No.</u>
Moving preparations.	<ul style="list-style-type: none"> • Inspections to make sure that everything has been disconnected properly. 	Sec. 14-396
Structure at new location.	<ul style="list-style-type: none"> • Application needs to identify the intended use of the structure once arriving at its destination (residential, commercial, museum, etc.) and comply with zoning regulations. • Treat these as a new build, requiring a building permit and all the related inspections, including a footing/ foundation inspection at the destination that must be approved before the move will be allowed. • Structure must be brought up to all codes at its new location. 	Sec. 14-385 Sec. 14-396 Sec. 14-396 Sec. 14-397
Condition of vacated lot.	<ul style="list-style-type: none"> • Applicant must clean the vacated lot. 	Sec. 14-398