

# TIGARD MUNICIPAL CODE

## Chapter 14.20 MOVING OF BUILDINGS

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### **14.20.010 Title.**

This chapter shall be known as the "moving of buildings ordinance" and may also be referred to herein as "this chapter." (Ord. 90-17 §1(part), 1990)

### **14.20.020 Definitions.**

For the purposes of this chapter, the following mean:

(1) Building. "Building" means any structure used or intended for sheltering any use or occupancy. (Ord. 01-18)

(2) Building Official. "Building Official" means the designee or designees appointed by the Director of Community Development who is responsible for the building inspections and enforcement of the building code.

(3) City Engineer. "City Engineer" means the City Engineer or the City Engineer's designee responsible for enforcing this chapter.

(4) Oversized Load. "Oversized load"

means any building, structure or commodity which is to be moved along any city street upon a flatbed truck, trailer, dollies or similar vehicles, which has a loaded width exceeding eight feet and/or a loaded length exceeding fifty feet total, and/or a loaded height exceeding fourteen feet pursuant to ORS 818.080. (Ord. 01-18)

(5) Street. "Street" means any highway, road, street, or alley as defined in ORS 487.005(1) and (8). (Ord. 90-17 §1(part), 1990)

(6) Structure. "Structure" means that which is built or constructed, an edifice or building of any kind, or piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. 01-18)

### **14.20.030 Permit Required.**

(a) No person shall move any building within or into the City, to be placed on a lot, without first applying for and obtaining a permit under this chapter.

(b) No person shall move a building across or along a public street or way without first obtaining a permit to move an oversize load as regulated in Chapter 10.50. (Ord. 90-17 §1(part), 1990)

### **14.20.040 Permit Application--Fee.**

(a) Application for a permit to move a building on or onto a lot shall be made to the Building Official on forms provided by the Building Official and shall include the following information:

(1) The name and address of a person who owns the building;

(2) The name and address of a person engaged to move the building;

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(3) The location from which the building is proposed to be moved;

(4) The proposed new site of the building and its zoning classification;

(5) The dimensions, type of construction, and approximate age of the building;

(6) The use or purpose for which the building was designed;

(7) The use or purpose to be made of the building at its new location;

(8) The proposed moving date and hours of moving;

(9) Any additional information the Building Official considers necessary for a fair determination of whether the permit should be issued.

(b) In situations where the City's design review standards apply, the applicant shall also make application and submit all necessary information for design review approval.

(c) An application shall be signed by the owner of the building to be moved or by the person engaged to move the building.

(d) The permit shall not be issued until the applicant pays a permit fee to defray the costs of issuing the permit. The amount of the fee shall be set pursuant to the state building code fee schedule.

(e) All other applicable development fees and charges shall be paid prior to issuance of the permit. (Ord. 90-17 §1(part), 1990)

## **14.20.050 Plans Required For Permit.**

A minimum of two sets of plans shall be

submitted with each application for a building permit. The plans shall be drawn to scale and shall indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the building code and other relevant laws, ordinances and regulations. (Ord. 90-17 §1(part), 1990)

## **14.20.060 Protection Of Public And Private Property And Utilities.**

(a) The issuance of a permit to move a building is not an approval to remove, alter, interfere, or endanger any public or private property or utility without first having obtained in writing, the permission of the property owner(s), utility or public entity to do so.

(b) The applicant shall have made arrangements to the satisfaction of the owner(s), utility or public entity for protecting the installations or property, paying for whatever damage the moving causes them, and for reimbursing the owner(s), utility or public entity for any costs of removal and reinstallation of the property that the move necessitates. (Ord. 90-17 §1(part), 1990)

## **14.20.070 Performance Assurance.**

(a) Performance assurance shall be furnished to the City in the form of a bond executed by the applicant with a surety company authorized to do business in this state and approved as to form and amount by the Building Official, or a cash deposit with the City in an amount approved by the Building Official. The performance assurance shall guarantee that the applicant shall, within three months after the building has been moved onto the property, have it placed and anchored on a permanent foundation system, and within six months of moving the building onto the property, have all construction on the building completed and ready for occupancy in accordance with building and

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zoning regulations.

(b) Failure to comply with subsection (a) of this section will result in forfeiture of the bond or cash deposit, and the City will use the funds to complete whatever work is necessary to bring the building into conformance with applicable codes. Should there be insufficient funds to complete the work necessary, to bring the building into conformance with applicable codes, and the Building Official determines the building is a dangerous building as described in Chapter 14.16, the Building Official may choose to demolish the building to abate the violation.

(c) The Building Official may extend the completion date up to an additional six months, where the applicant has requested an extension in writing, and the Building Official determines there is due cause for granting the request, and no hazard exists.

(d) No building shall be moved on or onto a lot in the City for the purpose of storage of the building. (Ord. 90-17 §1(part), 1990)

## **14.20.080 Permit Issuance Conditions.**

The Building Official shall issue the permit subject to any necessary conditions if:

(1) The application complies with the requirements of this chapter;

(2) The moving can be accomplished without damage to property, or in case of damage to the property, it is consented to by the owner of the property or is to be paid for to the owner's satisfaction;

(3) The building at its new site, will conform to the requirements of the community development code;

(4) All requirements of the building code

ordinance (Chapter 14.04 of this code) have been complied with. (Ord. 90-17 §1(part), 1990)

## **14.20.090 Permit Revocation.**

The Building Official may refuse to issue a permit or may revoke a permit issued under this chapter if:

(1) The permittee violates or cannot meet a requirement of the permit or a section of this chapter; or

(2) Grounds, such as a misstatement of fact exist for revocation, suspension or refusal to issue the permit. (Ord. 90-17 §1(part), 1990)

## **14.20.100 Liability.**

The permit shall not constitute an authorization for damaging property. The permit shall not constitute a defense against any liability the permittee incurs for personal injury or property damage caused by the moving. (Ord. 90-17 §1(part), 1990)

## **14.20.110 Cleanup.**

A person moving a building under a permit authorized by this chapter shall promptly remove from the public streets and private property all litter produced by the moving. (Ord. 90-17 §1(part), 1990)

## **14.20.120 Violation--Penalty.**

Violation of this chapter shall constitute a Class I civil infraction and shall be processed in accordance with the civil infractions ordinance, codified in Chapter 1.16 of this code. (Ord. 90-17 §1(part), 1990) ■