

TIGARD MUNICIPAL CODE

Chapter 10.50 MOVING OF OVERSIZE LOADS.

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This chapter shall be known as the "moving of oversize loads ordinance" and may also be referred to herein as "this chapter." (Ord. 90-18 §1(part), 1990)

10.50.020 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.

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.

4. Street. "Street" means any highway, road, street or alley as defined in ORS 487.005(1) and (8).

5. 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.

6. Chief of Police. "Chief of Police" means the designee appointed by the City Manager who is responsible for the administration of the police department and may also be referred to herein as "Chief."

7. Oversize Load. "Oversize 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. 03-08, Ord. 90-18 §1(part), 1990)

10.50.030 Permit Required.

1. No person shall move an oversize load across or along a street without first applying for and obtaining a permit under this chapter.

2. No person shall move an oversize load across or along a street in violation of a provision of this chapter or of the provisions of the permit issued under this chapter. (Ord. 90-18 §1(part),

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1990).

10.50.040 Permit Application--Fee.

1. Application for a permit to move an oversize load shall be made to the Building Official on forms provided by the Building Official and shall include the following information:

a. The name and address of a person who owns the oversize load;

b. The name and address of a person engaged to move the oversize load;

c. The location from which the oversize load is proposed to be moved;

d. The proposed new site of the oversize load and its zoning classification (if in the City);

e. The proposed route for moving the oversize load;

f. The dimensions, type of construction and approximate age of the oversize load;

g. The use or purpose for which the oversize load was designed;

h. The use or purpose to be made of the oversize load at its new location (if in the City);

i. The proposed moving date and hours of moving;

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

2. 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.

3. An application shall be signed by the owner of the oversize load to be moved or by the person engaged to move the building.

4. A fee shall be paid prior to the issuance of a permit. The fee shall be set by resolution of the City Council. Should it be necessary for the City to provide any assistance in the moving of an oversize load, the applicant shall pay an amount equal to the cost of labor and/or materials, or any other cost incurred by the City. These fees, pursuant to this section may be amended by the City Council by resolution. (Ord. 90-18 §1(part), 1990)

10.50.050 Permit For Moving Or Relocating A Building Onto A Lot.

The movement or relocation of any building or structure (which would otherwise require the issuance of a building permit), within or into the City, to be placed on a lot within the City, shall in addition to the provisions of this chapter, comply with Chapter 14.20. (Ord. 90-18 §1(part), 1990)

10.50.060 Protection Of Public And Private Property And Utilities.

1. The issuance of an oversize load permit 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.

2. 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

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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. 90-18 §1(part), 1990)

10.50.070 Certificate Of Insurance.

A permit shall not be issued until the applicant furnishes proof of liability insurance with a surety company authorized to do business in this state, for the purposes of moving oversize loads, in an amount and form approved by the Building Official. (Ord. 90-18 §1(part), 1990)

10.50.080 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, if within the City, will conform to the requirements of the community development code;
4. All requirements of the building code ordinance (Chapter 14.04) have been complied with;
5. The applicant shall be responsible for notifying the police department, fire department, and all other affected agencies not less than that required by the agency, but not less than forty-eight hours prior to commencement of the move;
6. No move shall begin before nine a.m. on weekdays and must be completed by three p.m. on

all days. (Ord. 01-17, Ord. 90-18 §1(part), 1990)

10.50.090 Permit Contents.

The permit shall specify:

1. The route for moving the oversize load;
2. The dates and times within which the moving is to be completed;
3. Whatever additional conditions the Building Official considers necessary to satisfy ordinance requirements, to minimize the obstruction of traffic to protect property, and to protect the public safety and welfare. (Ord. 90-18 §1(part), 1990).

10.50.100 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;
2. Grounds, such as a misstatement of fact exist for revocation, suspension or refusal to issue the permit. (Ord. 90-18 §1(part), 1990).

10.50.110 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. 90-18 §1(part), 1990)

10.50.120 Protection Of Streets And Property.

Equipment used to move oversize loads

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along or across the public streets of the City shall be equipped with pneumatic tires, which shall be the only part of the equipment to come in to contact with the surfaces of the streets, except planking as required by the City Engineer. The City Engineer may require the permittee to proceed on planking of specified dimensions when the City Engineer considers the planking necessary to prevent damage to a public street or other property. (Ord. 90-18 §1(part), 1990)

10.50.130 Project To Continue Uninterrupted.

Once an oversize load has been moved onto a public street under a permit authorized by this chapter, the person moving the oversize load shall continue with the moving project without interruption until it is completed, except as the permit for the moving of the oversize load specifically allows to the contrary. (Ord. 90-18 §1(part), 1990)

10.50.140 Cleanup.

A person moving an oversize load under a permit authorized by this chapter shall promptly remove from the public streets and private property all litter produced by the moving. (Ord. 90-18 §1(part), 1990)

10.50.150 State Highway/County Road Use.

The Building Official may waive any of the requirements of this chapter regarding oversize loads to be moved through the City upon a county road or state highway from and to points outside the city limits if:

1. Movement will be made pursuant to a permit issued by the appropriate state agency;
2. Notice of the proposed movement and a copy of the permit is submitted to the Building

Official before the movement; and

3. The Building Official is satisfied that adequate precautions have been taken to protect the public safety and welfare. (Ord. 90-18 §1(part), 1990)

10.50.160 Moving Oversize Loads On Same Property.

Section 10.50.030 shall not apply when an oversize load is moved on the same or private property, or along a private street not controlled or maintained by the City, except that Section 10.50.050 shall apply in all cases. (Ord. 90-18 §1(part), 1990)

10.50.170 Violation--Penalty.

Violation of this chapter (except for Section 10.50.050) shall constitute a Class I infraction and shall be processed in accordance with the civil infractions ordinance, codified in Chapter 1.16 of this code. (Ord. 90-18 §1(part), 1990)8 •