

**TOWN OF EDEN
FOND DU LAC COUNTY, WISCONSIN**

ORDINANCE REGULATING THE MOVING OF BUILDINGS

Section 1. Permit Required.

It shall be unlawful for any person to move or cause to be moved any building in, into, through, or from the Town of Eden (hereinafter "Town") without first obtaining a permit from the Permit Issuer/Building Inspector. For purposes of this Ordinance, "Building" shall mean any structure to be placed on a permanent foundation used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up each part shall be deemed a separate building.

Section 2. Application for Permit.

Any person desiring a permit shall file with the Permit Issuer/Building Inspector an application in writing for that purpose. A separate application shall be filed, and a fee paid, for each building. Such application shall specify the following:

- (a) The character and size of the building to be moved;
- (b) The reason for such moving;
- (c) The use, purpose and occupancy for which said building or structure is to be used;
- (d) The location from which and to which said building is to be moved;
- (e) A plot plan showing the proposed location of the building upon which the property to which said building is to be moved;
- (f) The roads within the Town on, over or through which it is desired to move said building;
- (g) Whether the building conforms to the zoning regulations in the location to which it is to be moved.

Section 3. Investigation.

Upon the filing of the application, the Permit Issuer/Building Inspector shall investigate the building and report the results of such investigation, together with recommended action, to the Town Board.

Section 4. Denial of Permit.

No permit shall be issued to move any building which, in the opinion of the Town Board:

- (a) Is so constructed or in such condition as to be dangerous;
- (b) Is infested with pests or is unsanitary;
- (c) If it is a dwelling or habitation, is unfit for human habitation;
- (d) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the District within a radius of 1,000 feet from the proposed site;
- (e) If the proposed use is prohibited by the zoning regulations of the Town or, if relevant, the applicable subdivision;
- (f) If the structure is of a type prohibited at the proposed location by any ordinance of the Town;
- (g) If the moving of the building causes unreasonable damage to the trees, plants and shrubs on and along the public roads in the Town; or
- (h) If the equalized assessed value of the building is not within 20% of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within 20%. Such determination shall be made by the Town Assessor.

Furthermore, the Town Board must find that the exterior architectural appeal and functional plans of the building to be moved will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable District established by the zoning ordinances of the Town as to cause a substantial depreciation of the property values of said neighborhood within the applicable District.

Section 5. Terms and Conditions of Permit.

When a building moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public roads, or other public property in the Town on, over or through which the building shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the District to which it is to be moved. Such terms and conditions shall be written upon the permit or attached thereto. The Permit Issuer/Building Inspector shall issue the moving permit only after obtaining Town Board approval.

Section 6. Estimate of Cost and Deposit.

If applicable, the applicant shall deposit with the Town Clerk a cash deposit sufficient to cover the cost to the Town as estimated by the roadway superintendent, of trimming, moving, removing, or replanting of trees or shrubs, and of moving, removing, or displacing any pole or other structure, supporting any wires, cables, or other equipment belonging to the Town; the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the Town; or, the cost of moving, removing, repairing, or replacing culverts.

Section 7. Liability Insurance.

Every person moving a building in the Town shall file with the Town Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do business in Wisconsin, which policy shall conform in all respects to the requirements of this section. In lieu of filing the insurance policy herein, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of said policy. The Town shall be named as an additional insured on the certificate of insurance.

The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the moving of such building, covering injury to one person in the sum of not less than \$500,000 and for one accident, aggregate not less than \$1 million, together with property damage insurance in the sum not less than \$500,000, or such other coverage as is deemed necessary by the Town Board.

Section 8. Performance Bond.

Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Town Clerk a performance bond, conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the moving permit shall be fully performed and completed within a reasonable time, all as required in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus 10% thereof, and shall name the Town as obligee, and shall be in a form approved by the Town attorney; provided, however, that the bond shall be not less than \$5,000 per building to be moved. In lieu of furnishing a bond, the owner or lessee may post a cash deposit, letter of credit or comparable security. An extension of time for completion may be granted in writing by the Permit Issuer/Building Inspector, when, in his or her discretion, circumstances shall so justify, but no such extension shall release any surety or other security required by this section.

Section 9. Clearance of Site and Safety Measures Required.

Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall comply with the following clearance and safety measures:

- (a) Before any work is started on a building, the Permittee or his or her authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed;
- (b) If relevant, the Permittee shall obtain written approval from the appropriate Sanitary District for the connection to the sanitary sewer system;
- (c) Immediately after the moving of any building, the Permittee shall securely barricade all basement excavations and other holes or openings;
- (d) Within 10 days after the moving of any building the Permittee shall complete the following work:
 - (1) securely close and seal any sanitary piping located on the property;
 - (2) Fill with dirt or sand any septic tanks or cesspools located on the property;
 - (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Permit Issuer/Building Inspector;
 - (4) Remove any buried underground tanks formerly used for storage of flammable liquids; and
 - (5) Remove all refuse, debris and waste materials from the property.

Section 10. Permit Fee and Inspection Fee.

A permit fee of \$50.00 shall accompany the application. Each building requires a separate application and fee. In addition, the applicant shall also pay an inspection fee in an amount equal to the then-current fee charged for new home inspections. The inspection fee shall be paid in the same manner as building permit fees are paid for new homes. An applicant shall pay an additional \$50.00 permit fee before an extension of the permit is granted.

Section 11. Issuance of Permits.

The Town Clerk shall issue a house moving permit when all the necessary requirements and conditions of this ordinance have been complied with. The building shall not be occupied until an occupancy permit has been obtained. An occupancy permit shall be issued only after the Permittee has completed the internal and external work and alterations required by this Ordinance or the special conditions of the permit.

Section 12. Control and Supervision.

Every building which is moved on, over or through any Town road shall be moved in a careful manner and the work shall be prosecuted with diligence to the satisfaction and approval of the Town Board.

Section 13. Notice Required.

Notice must be given by the person to whom the permit is issued, or his or her representative, to both the Roadway Superintendent and the Permit Issuer/Building Inspector not less than 36 hours nor more than 48 hours before the actual work of moving a building is to commence.

Section 14. Default in Performance of Conditions.

Whenever a default has occurred in the performance of any term or condition of any permit, or the terms of this ordinance, written notice thereof shall be given to the Permittee by the Town, with said notice to state the work to be done, the estimated cost, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the Permittee must, within the time therein specified, either cause the work to be done or pay over to the Town Clerk the estimated cost of doing the work, as set forth in the notice, plus 10% of said estimated cost. Upon receipt of notice from the Town Clerk that the Permittee has deposited such money, the Town shall cause the work to be performed and completed. If the Permittee defaults, the Town shall have the option, in lieu of completing the work required, to demolish the building and to clear, clean and restore the sight or sights. The Town also reserves the right to draw upon the security provided by the Permittee under section 8, above.

Section 15. Approval of Route.

The roads over which any building is to be moved must be approved by the Town Board.

Section 16. Obstructing Roads.

No person owning or having charge of the moving of any building into, on, over, through, or from any Town road shall permit said building to remain in any one location on any such road for a period longer than 24 hours except by written permission obtained from the Town Board. The Permittee is also required to comply with the requirements of the subdivision into which the building is being moved, if applicable.

Section 17. Lights and Barricades.

The person having charge of the moving of any building shall maintain proper lights and barricades whenever such structure is on any Town road during the hours of darkness.

Section 18. Wires and Structural Supports.

If the moving of any building for which a permit shall have been granted makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables, or other equipment of any public utility or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted shall obtain permission in writing from the owner or owners of such pole, structure, or the wires, cables or other equipment thereon, and shall notify such owner or owners at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions. The person to whom said permit is granted shall pay to said public utility any and all costs or expenses for the removal, rearrangement or replacement of any pole or structure support of wires, cables, or equipment thereon or of any damage to such property.

Section 19. Repairs to Public Property.

If the moving of any building for which a permit shall have been granted causes damage to Town roads or other Town property, in addition to any other remedies the Town may have, the Town may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or it may require the person to whom such permit has been granted, upon written notification, to make all necessary repairs to such roads or property; provided, however, that should said person to whom said permit has been granted, and to whom said notice has been given, fail to make said necessary repairs within the time designated in the written notice, the Town may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

Section 20. Refunding of Deposits.

When the moving of any building for which a permit has been granted is completed, and all damages to Town roads or other public property have been repaired to the satisfaction of the Town and all other costs of repairing damage or performing other work has been paid, the remaining deposit shall be refunded to the Permittee. If the above costs exceed the total amount of money deposited, the Permittee shall be held liable for the amount of damage or other costs that are in excess of the amount deposited, and it shall be the duty of the Town Clerk, upon receipt of the request from the Permit Issuer/Building Inspector, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

Section 21. Expiration of Permit.

Permits issued pursuant to this Ordinance shall expire 6 months from the date of issuance. A new application for permit is required unless the Permittee requests an extension from the Permit Issuer prior to the expiration of the original permit. The Town reserves the right to grant or deny extensions, as circumstances warrant. All rights are reserved.

Section 22. Penalties.

Any person who violates this Ordinance shall be liable for a civil forfeiture in an amount not less than \$100 nor more than \$1,000, with each day constituting a separate offense. In addition, the violator shall be liable to the Town for its costs of prosecution, including reasonable attorneys' fees.

Section 23. Effective Date.

This Ordinance shall become effective upon adoption by the Town Board and publication in the Town's official newspaper.

Adopted this _____ day of _____, 2000.

TOWN OF EDEN

By: _____
Town Chairperson

Attest:

Town Clerk