

ORDINANCE NO. 3862

AN ORDINANCE REPEALING CHAPTER 16.30 MOVING HOMES PROVIDING FOR ADDING NEW CHAPTER 16.30 MOVING OVERSIZE AND OVERWEIGHT STRUCTURES PROVIDING FOR CHANGES IN STATE LAW; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Chapter 16.30 Moving Houses of the Edmond Municipal Code is hereby repealed.

SECTION 2. A new Chapter 16.30 Moving Oversize and Overweight Structures is hereby added to the Edmond Municipal Code to read as follows:

CHAPTER 16.30 MOVING OVERSIZE AND OVERWEIGHT STRUCTURES

16.30.010 - Insurance and Bond for Mover of Oversize or Overweight Structure.

No person, firm, corporation, or other entity shall be permitted to move an oversize or overweight house or structure without first satisfying the following requirements:

1. *Insurance.* Having deposited with the City a policy of insurance subject to the approval of the City Attorney, insuring the city against any claim or action for public liability arising out of any act, omission, or negligence on the part of said mover to the extent of One Hundred Thousand Dollars (\$100,000.00) for any one individual or Three Hundred Thousand Dollars (\$300,000.00) for any group of individuals, and property damage arising out of any act, omission, or negligence on the part of said mover to the extent of One Hundred Thousand Dollars (\$100,000.00). Said policy shall agree to defend the City of Edmond in any such action filed against it and to pay any judgment against it within the above limits.

2. *Bond.* The mover shall have previously posted a bond, approved by the City Attorney, in the penal sum of Fifty Thousand Dollars (\$50,000.00), payable to the City, and conditioned that all relevant ordinances of Edmond will be obeyed; that responsibility for restoration of damage is the responsibility of the principal obligor or mover and will be done with material of like kind and quality; that principal obligor or mover will restore, or cause to be restored, with material of like kind and quality, any damage to public streets, sidewalks, paving, and guttering caused by said principal obligor or mover in moving houses or structures pursuant to a permit granted herein; that principal obligor or mover will restore, or cause to be restored, with material of like kind and quality, any damage to privately owned buildings or houses or stationary objects or structures lawfully on or adjacent to said streets or highways within the City and restore or pay reasonable damages for injury to shrubs, trees, grass, lawns and the like, on privately owned property, or on parks or parkways owned or controlled by the City; that principal obligor or mover will protect and save harmless the City against any liability imposed by law against the City on account of negligence, on the part of principal obligor or mover as a direct result of moving houses or structures pursuant to permit granted hereunder.
3. *Forfeiture of Bond.* In the event requisite improvements and repairs have not been completed within ninety (90) days from the date of the moving of the subject house or structure to its new location and in accordance with the requirements set forth in the permit allowing the move, and the City Council has adopted a resolution making a finding to that effect and declaring a forfeiture, the bond or undertaking shall be forfeited to the City of Edmond. Provided, however, the City shall, prior to the passing and adoption of such resolution, give written notice to the applicant by registered mail at the address shown on said application at least ten (10) days prior to the meeting when the resolution is to be considered. The notice shall reflect both the time and place of the hearing and shall itemize the improvements and repairs which have not been completed according to said permit and shall set forth the section or sections of the plumbing, building or electrical code violated.

16.30.020 - Permit for Moving of Oversize or Overweight Structure.

1. It shall be unlawful for any person, firm, corporation, or other entity to move any house or structure along or across any street, alley, boulevard, or other public ground or thoroughfare, within the Edmond City limits, without first having obtained a written permit from the City Clerk's Office allowing the moving thereof.
2. A permit shall be required for:
 - a. any house or structure which, when loaded, is greater than thirteen and one-half (13 ½) feet high, or eight and a half (8 ½) feet wide or fifty-three (53) feet in length;
 - b. any load that exceeds eighty thousand (80,000) pounds;
 - c. any house or structure being moved that exceeds the Axle Loading Permitted by the State of Oklahoma;
 - d. any house or structure for which state law otherwise requires a permit prior to moving pursuant to 47 O.S. 14-101 et seq.
3. No permit is required for those structures which, when loaded, are smaller than thirteen and one-half (13 ½) feet high, or eight and a half (8 ½) feet wide or fifty-three (53) feet in length.
4.
 1. No permit shall be issued to move any building from within City limits until the service sewer line from said house or structure to be moved is plugged by a licensed plumber at the riser at a point not less than four feet deep from the surface of the ground. It shall be the duty of the person obtaining permit to immediately clean up the lot from which the building was moved by filling in all holes and removing any debris and trash from said premises.
 - a. It shall be a violation of this chapter to inadequately plug or cap all sanitary sewer and gas pipes on any premises from which the structure is being removed from within City limits.
 - b. It shall be a violation of this chapter to leave unfilled any basement or other excavation from which he has removed a structure, nor fail to clean the site of foundation walls, remains, or debris within thirty (30) days after the removal of such structure from within City limits.

5. Prior to the issuance of a requested permit, the applicant shall coordinate with the appropriate City departments, public utility providers, and external organizations to determine the specific date, route, and time of the move. The date(s), route(s) and time(s) shall be posted on the face of the permit.
6. No permit shall be issued which allows for movement of oversize or overweight loads on certain holidays or at certain times in accordance with 47 O.S. 14-101 et seq. and Titles 595 and 730 of the Oklahoma Administrative Code.

16.30.030 - Application and Inspection.

1. Prior to the issuance of any permit, an application shall be submitted to the City Clerk. An application is necessary for permit issuance regardless of whether the subject house or structure is to be moved to a location within City limits or outside of City limits.
2. Applications to move houses or structures shall contain the following information and documents:
 - a. applicant's name, address, and phone number;
 - b. a description of the present location of the house or structure;
 - c. the size and type of the structure to be moved, including the height, width, length, and weight of the house or structure;
 - d. a copy of the insurances required by this chapter;
 - e. a copy of the bond required by this chapter;
 - f. any permits, decals, and registrations required by state law;
 - g. a map of the proposed route along which to move the subject house or structure.
3. No permit for the movement of oversize or overweight houses or structures shall be issued until the propose route has been approved by and coordinated with relevant City departments, public utility providers, and external organizations pursuant to this chapter.
4. It shall be unlawful to cause a house or structure to be moved under circumstances which do not comply with the permit as issued by the City Clerk.

16.30.040 - Permit Fees for Moving Oversize or Overweight Structure.

For the moving of houses or structures, the applicant seeking a permit shall pay an application fee of one hundred fifty (150) dollars to the City Clerk's office. This fee is to be paid at the time of submission of the application. The inspection process shall not commence prior to payment of the application fee.

16.30.050 - Approval of Route and Removal or Alteration of Utility Pole and Lines.

1. In all cases where it is necessary to move, cut, adjust, alter, or otherwise interfere with any traffic-control signal wire, telephone line, telegraph line, electric line, transmission system, cable line, or other public utility, the mover shall make a request to the responsible City department, public utility company, or owner or operator of said lines. This request shall occur not less than fifteen (15) business days prior to the move. The request shall be in writing and state the place, the structure which is necessary to be moved or temporarily changed or altered, the date of which it is desired to have such clearance made, and the amount of time it will be necessary to keep such space clear. After the request it is the duty of the City or owner or operator of the wire or cables to furnish competent workers or linemen while engaged at such work shall be paid by such movers. No mover shall raise, cut, move, or alter any such pole, wire or cable on their own.

2. No house or structure shall be moved over the streets of the City until the City, the public utility company, or the person or company owning and operating the public utility line shall have had a reasonable time to make such clearance. The City may make reasonable charges to the mover for the costs of removing, raising, or temporarily moving, changing or altering said traffic-control signal wire, telephone line, telegraph line, electric line, transmission system, cable line, or other public utility owned or operated by the City, public utility provider, or external organization. The mover shall pay for any costs charged by a public utility company for the raising or removing or temporarily changing or altering such lines owned by said company.

3. Except as otherwise provided, it shall be a violation of this chapter to facilitate the moving of any house or structure by moving, cutting, adjusting, altering, or otherwise interfering with any traffic-control signal wire, telephone line, telegraph line, electric line, transmission system, cable line, or other public utility located within City limits in the course of the moving of a house or structure. Employees or agents of the City, public utility company, or external organization who are tasked with carrying out the actions in this subsection in order to facilitate the moving of a house or structure are exempt from this prohibition.

16.30.051 - Enforcement, Penalties, and Liability.

1. *Enforcement.* The City's Code Enforcement department shall enforce and carry out the requirements of this chapter.
2. *Penalties.* Any person violating any of the provisions of this code shall be subject to Class B offense and plus any and all damages to City property or private property.
3. *Liability.* The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts. The requirements stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to an improper moving of buildings on the City's streets. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any move. Acceptance of the permit by the permittee will be prima facie evidence that the permittee assures full compliance with all requirements contained in this chapter, and assumes all responsibility for injury to persons or damages to public or private property, and further agrees to hold the City immune from all suits, claims and damages arising from the movement of the building.

16.30.052 - Interference with Trees and Fixture.

1. No tree, bush or other foliage on any street, alley, boulevard, or other public ground or thoroughfare, within the Edmond City limits, shall be removed or the branches of

any tree be cut or trimmed in order to facilitate the moving of any building, except with the consent and under the supervision of the owner or designated City official.

2. In the instance that the mover requires trees or other foliage to be trimmed or cut in order to facilitate the moving of a house or structure, the mover shall make a request for the same to the owner or operator or appropriate City official not less than fifteen (15) business days prior to the proposed move. The request shall be in writing and the mover shall include the time, date, and place of the proposed move. The request shall also include the specific description of the trees, bushes, or other foliage to be trimmed or cut and proposed manner for doing so.
3. No fixture on any street, alley, boulevard, or other public ground or thoroughfare, within the Edmond City limits, shall be removed, displaced, or otherwise interfered with to facilitate the moving of any building except with the consent and under the supervision of the owner or designated City official. Such fixtures include but are not limited to: street signs, light poles, public artwork, benches, bus stop shelters, and construction or work zone signs, cones, or barricades.
4. In the instance that it is necessary to remove, displace, or otherwise interfere with a public or privately owned fixture, the mover shall make a request to the responsible City department, public utility company, or owner or operator of said fixture not less than fifteen (15) business days prior to the proposed move. The request shall be in writing and the mover shall include the time, date, and place of the proposed move. The request shall also include the specific description of the fixture and the proposed method of removing, displacing, or otherwise interfering with the fixture in order to facilitate the moving of the subject house or structure.
5. After the mover makes the proper request as provided in this subsection, it is the duty of the person owning or operating the tree, bush, foliage, or fixture to furnish competent workers to undertake the task requested by the mover. The mover shall bear the cost of such work. No mover shall perform the requested task on their own.
6. Except as otherwise provided, it shall be a violation of this chapter to facilitate the moving of any house or structure by touching, moving, cutting, molesting, or otherwise interfere with tree, bush, foliage, or fixture located within City limits in the course of the moving of a

house or structure. Employees or agents of the City, public utility company, or external organization who are tasked with carrying out the actions in this subsection in order to facilitate the moving of a house or structure are exempt from this prohibition.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 4. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the 27th day of September, 2021.


MAYOR

Attest:


City Clerk



APPROVED as to form and legality this the 27th day of September, 2021.


CITY ATTORNEY