

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 14.36 of the Lincoln Municipal Code
2 relating to Housemoving by amending Section 14.36.020 to only require a building permit
3 for housemoving within the city limits, to modify registration fee provisions, and to increase
4 the required amount of public liability insurance from \$500,000 to \$1,000,000; amending
5 Section 14.36.030 to increase the permit fee to \$200, to eliminate certain other fees, and to
6 modify permit conditions of approval; amending Section 14.36.090 to modify provisions
7 requiring moved structures to comply with the building code; amending Section 14.36.100
8 to require a demolition permit and removal of debris from the premises; and repealing
9 Sections 14.36.020, 14.36.030, 14.36.090, and 14.36.100 of the Lincoln Municipal Code as
10 hitherto existing.

11 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

12 Section 1. That Section 14.36.020 of the Lincoln Municipal Code be amended
13 to read as follows:

14 **14.36.020 Application for Registration; Fee; Bond.**

15 Any person desiring to engage in the business of housemoving in the City of Lincoln;
16 ~~or within three miles thereof,~~ shall file with the Building Official an application for a
17 registration therefor in writing on a form furnished for that purpose. Said application shall be
18 accompanied by a bond in the sum of \$25,000.00 duly executed by both said applicant and
19 a corporate surety company authorized by the state to do business in Nebraska, which bond
20 shall be subject to the approval of the City Attorney.

1 The bond shall be conditioned, among other things, that the applicant:

2 (a) Will in all things strictly comply with all the provisions of the ordinances of the
3 city relating to housemoving and any and all conditions of the permit;

4 (b) Will save, indemnify, and keep harmless the city from all liabilities, judgments,
5 costs, and expenses which may in anywise accrue against the city in consequence of the
6 granting of such registration, or in consequence of any injury to persons or property resulting
7 directly, or indirectly, from the exercise of the privileges in such registration granted;

8 (c) Will pay to the city any and all damages which may be sustained to any
9 pavement, road surface, curb, gutter, sidewalk, street crosswalk, traffic signal installation,
10 traffic signals, power poles, power or utility lines, bridges, culverts, sewers, or other city
11 property through the conduct of said applicant's housemoving activities; and

12 (d) Will also pay to the owner any and all damages cause in a like manner to any
13 private property.

14 A fee shall be paid to the Building Official by said applicant for registration as follows:

15 ~~\$ 20.00 for a term of seven days;~~

16 ~~_____ \$ 50.00 for a term of five months; or~~

17 \$100.00 for a period of one year.

18 In addition to the bond, the applicant for registration shall also be required to:

19 (1) At all times maintain public liability insurance in the form of a
20 commercial or comprehensive general liability policy, or an acceptable substitute policy form
21 as permitted by the City Attorney, with a minimum combined single limit of ~~\$500,000.00~~
22 \$1,000,000.00 aggregate for any one occurrence. The coverages required herein shall be

1 subject to review and approval by the City Attorney for conformance with the provisions of
2 this section;

3 (2) At all times keep on file with the Building Official a current certificate
4 of insurance signed by a qualified agent of an insurance company licensed to do business in
5 the State of Nebraska and approved by the City Attorney for conformance with the provisions
6 of this section evidencing the existence of valid and effective policies of insurance naming the
7 city as an additional insured for the coverage required by subsection (1) of this section, the
8 limits of each policy, the policy number, the name of the insurer, the effective date and
9 expiration date of each policy, the deductibles or self-insurance retainers of each policy, and
10 a copy of an endorsement placed on each policy requiring thirty day's notice by mail to the
11 Building Official before the insurer may cancel the policy for any reason, and upon request
12 of the Building Official or the City Attorney, a copy of any endorsements placed on such
13 policies or the declarations page of such policies. Any termination or lapse of such insurance
14 shall automatically revoke any permit issued pursuant to this chapter.

15 Section 2. That Section 14.36.030 of the Lincoln Municipal Code be amended
16 to read as follows:

17 **14.36.030 Issuance of Permit.**

18 The Building Official is hereby authorized to issue housemoving permits upon written
19 application by duly registered housemovers when the building to be moved is consistent with
20 the provisions of this chapter. House sewers must be disconnected and sealed in accordance
21 with Lincoln Wastewater System regulations. Prior to the issuance of such permit, all utilities
22 shall be properly abandoned. Water supply pipes and building sewers must be disconnected

1 and sealed in accordance with Title 17 of the Lincoln Municipal Code. The permittee shall
2 obtain written notification from the Lincoln Water System and the Lincoln Wastewater System
3 that proper abandonment has been accomplished, and deliver a copy of this notification to the
4 Building Official, along with the permit application. The application shall contain a
5 description of the building proposed to be moved, its dimensions and construction, its weight
6 when loaded, the number of axles, its present location, and the location of the property where
7 the same is to be moved.

8 When moving over or across pavements, the per-axle load shall not exceed the
9 maximum permitted by the ordinances of the City of Lincoln and the laws of the State of
10 Nebraska governing the use of public roads.

11 A fee for each housemoving permit shall be paid to the Building Official, as follows:

12 ~~\$ 15.00 for buildings fourteen feet or less in width;~~

13 ~~————— \$ 75.00~~ \$200.00 for buildings more than fourteen feet in width.

14 ~~In addition to said permit fee, there shall be paid to the Building Official five dollars~~
15 ~~per day for each day said building shall remain on any public thoroughfare or within the~~
16 ~~public right-of-way.~~

17 ~~The Building Official shall in e~~Each permit limit shall specify the time of day and
18 primary move date for removal of the building and the time any public thoroughfare or public
19 right-of-way is to be occupied in moving same, as determined by the Director of Public Works
20 and Utilities. ~~He shall also specify for e~~Each permit shall specify the route to be followed in
21 moving said building, and it shall be unlawful for any person to digress therefrom without the
22 written approval of the ~~Building Official~~ Director of Public Works and Utilities. Each permit

1 shall terminate and expire on the thirty-first day following the primary move date specified in
2 the permit.

3 No housemoving permit shall be issued until countersigned and approved by the
4 Lincoln Electric System Manager, the Director of Parks and Recreation, the City Traffic
5 Engineer, and the Director of Public Works and Utilities. There shall also be approval by the
6 ~~Lincoln Telephone and Telegraph Company and Cablevision~~ local telephone provider, the
7 local cable television provider, and the local natural gas provider. If the right-of-way of any
8 railroad company is to be crossed, such company must also approve said permit. The
9 registered housemover shall notify the ~~Building Official~~ Director of Public Works and Utilities
10 of the hour when moving will actually begin.

11 When, in the opinion of the ~~Building Official~~ Director of Public Works and Utilities,
12 inspections should be maintained during the moving of any building for the purpose of
13 protecting paving, trees, wires, or other property of the public, the ~~Building Official~~ Director
14 of Public Works and Utilities shall appoint some competent person for such duties and the
15 compensation for such services shall be paid by the housemover to whom the housemoving
16 permit is issued. The ~~Building Official~~ Director of Public Works and Utilities shall estimate
17 the probable cost of such inspection, and the housemover shall deposit such sum with the
18 ~~Building Official~~ Director before the issuance of the housemoving permit.

19 Section 3. That Section 14.36.090 of the Lincoln Municipal Code be amended
20 to read as follows:

1 **14.36.090 Compliance with Building Code.**

2 ~~No building or structure intended to be used for dwelling purposes shall be moved~~
3 ~~within the corporate limits of the city or within three miles thereof unless such building or~~
4 ~~structure is structurally sound and complies with the minimum light, ventilation, sanitation,~~
5 ~~and room dimension requirements of the City of Lincoln Building Code.~~

6 ~~Before a housemoving permit may be issued, the Building Official shall make an~~
7 ~~inspection of such building or structure to determine whether or not the above requirements~~
8 ~~can be met. If such building or structure does not meet the requirements, the owner thereof~~
9 ~~shall furnish the Building Official a detailed outline of changes required together with a cost~~
10 ~~estimate of same. Upon approval of such outline and acceptance of such cost estimate, the~~
11 ~~owner of the building or structure shall furnish to the Building Official a bond, acceptable to~~
12 ~~and approved by the City Attorney, in the amount of such estimate, conditioned upon the~~
13 ~~owner bringing such building or structure into compliance with the provisions of this chapter.~~

14 a building permit application and building plans must be submitted for review outlining all
15 work necessary to bring the structure into compliance with the City of Lincoln Building Code
16 after it is relocated. Following receipt of the application and building plans, the Building
17 Official shall make an inspection of such structure to determine whether there are any other
18 code deficiencies which need to be addressed. After the review for building and zoning
19 compliance is complete and any required corrections to the building plans have been made,
20 the housemoving permit can be issued.

21 Section 4. That Section 14.36.100 of the Lincoln Municipal Code be amended
22 to read as follows:

1 **14.36.100 ~~Cleaning of Premises~~ Demolition and Removal of Debris.**

2 Before a housemoving permit may be issued, the owner of the premises upon which
3 the building or structure is to be moved ~~is located from~~ shall ~~agree to have the premises~~
4 ~~cleaned of all debris after removal of the building or structure, fill all excavations, and grade~~
5 ~~the area with topsoil or other material approved by the Building Official~~ make application for
6 a demolition permit and shall comply with the requirements of the Lincoln Municipal Code
7 regarding demolition of buildings and removal of all debris from the site.

8 Section 5. That Sections 14.36.020, 14.36.030, 14.36.090, and 14.36.100 of
9 the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

10 Section 6. That this ordinance shall take effect and be in force from and after
11 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor