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CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 "I" Street Sacramento, Ca. 95814

Administration
Room 300 449-5571
Building Inspections
Room 200 449-5716
Planning
Room 200. 449-5604

October 31, 1985

Budget and Finance Committee/Transportation
and Community Development Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: BUILDING MOVE ORDINANCE REVISIONS

SUMMARY

Attached is a report, ordinance and resolution recommending the approval of a new building move ordinance and accompanying fees. The existing ordinance does not provide the City with adequate control over building moves, which has resulted in moved buildings becoming a public nuisance.

RECOMMENDATION

It is recommended that the joint committee approve the attached ordinance and resolution and forward them to the City Council for adoption.

Respectfully submitted,

Mac Mailes, Director
Planning and Development

Recommendation Approved:

Solon Wisham, Jr.
Assistant City Manager

Attach/

November 12, 1985
All Districts



CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

October 31, 1985

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: BUILDING MOVE ORDINANCE REVISIONS

SUMMARY

The existing building move ordinance does not provide the City with adequate control over building moves. This problem has resulted in a number of relocated structures becoming public nuisances. The revised ordinance provides the City with greater control over building moves and accelerates the City's review process.

BACKGROUND

The City has recently been experiencing problems with relocated structures. A number of structures have been moved to City lots and have not been improved for extended times. These structures have become fire and safety hazards, and are "eyesores" to the community. This problem has become a serious concern for the Redevelopment Agency's Project Area Committees and Agency staff have requested that the City review the ordinance.

This review found that the existing ordinance does not provide the City with effective control of the transportation of the structure, the clean up of the vacated site, and improvement of the structure on its new site. As a result, City and Agency staff have jointly developed a new Building Move Ordinance that will provide the City with better control of the process and will accelerate the processing of building move applications.

The proposed ordinance has been reviewed and approved by the Design Review/Preservation Board, Housing Code Advisory and Appeals Board and the Sacramento Housing and Redevelopment Commission. Since these reviews, two changes have been made to the proposed ordinance. The provisions requiring a cash deposit have been modified to insure compliance with new state law regarding City's handling of cash deposits and comments from the Alkali Flat PAC have led to changes which modify the requirements for preservation structures. Prior to the City Council hearing on this item, these changes will be reviewed by the Sacramento Housing and Redevelopment Commission.

1. Under the existing procedure the failure to finish the building or clean up the vacated lot becomes a dangerous building or nuisance abatement case. The abatement process starts after a complaint is received, requires a number of hearings prior to abatement, and

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often requires a lien to collect the abatement costs. The proposed ordinance requires the applicant to provide a \$2,000 deposit and to have the vacated site cleared within 15 days, and the structure on a permanent foundation within 30 days. If these deadlines are not met, the City will use the deposit to abate the nuisance. This change will allow for rapid abatement of the nuisance without having to revert to the lien process for payment.

2. The review process for building move permit applications will be shortened by at least 20 days providing the applicant with a faster decision on his proposed building move.
3. A Public Works Department employee will accompany the move to insure the approved route is followed and to minimize damage to City streets, curbs, sidewalks, trees and structures. The City will also be able to use the applicant's deposit to repair any damage caused by the move.
4. Under existing procedure the City only collects \$75 in fees for a building move that creates over \$300 in cost to the City. Under the proposed ordinance, the City will receive full cost recovery.

The major changes recommended by the proposed ordinance are listed below:

1. A non-refundable building move application fee is established.
2. The approval of the application, unless appealed, will be made by the Director of Planning and Development. Currently, action by the Design Review/Preservation Board is required on all building move permit requests.
3. A representative of the Director of Public Works shall accompany the move.
4. No building or structure shall remain on blocks or other temporary support for more than 30 days before or after the move. A building on blocks for more than 30 days will be declared to be a public nuisance to be abated. Structures moved from or to preservation areas may be permitted, with City approval, to remain on temporary support for longer than 30 days.
5. All work necessary to bring the structure into compliance with the code shall be completed in 130 days. An extension, for good cause, can be granted not to exceed 60 days. If the work is not completed within the time specified, the City will have the right to bring the structure in compliance or demolish the structure.
6. The site from which the structure is moved shall be leveled within 15 days after the move. All foundations or footing will be removed and all depressions, holes, excavations, or basements filled. All other rubbish or debris created by moving the structure shall be cleared.
7. Before a moving permit is issued, the applicant will be required to make a deposit of \$2,000.

FINANCIAL DATA

Expenditures - The adoption of this ordinance will require an annual expenditure of \$5,000 to provide an employee to accompany the building move. This cost can be accommodated in this fiscal year's Public Work's budget and no additional budget appropriation will be required. There will also be a small savings by moving the planning approval level from the Design Review/Preservation Board to the Director.

Fees and Deposits - This ordinance changes the fee requirements for building moves in the following ways:

1. Under existing policy Planning Division review for building moves was provided at no cost to the applicant. The proposed ordinance provides for an application review fee to allow for full recovery of all costs associated with reviewing the application.
2. The building move fee will be increased to pay for an employee to accompany the move.
3. A \$2,000 deposit will be required prior to the issuance of a permit. This deposit will be used to offset any City expense incurred in removing debris or hazards from the vacated parcel, repairing any damage to City streets or structures caused by the move, and the demolition of the structure if permit conditions or ordinance provisions are not satisfied.

To provide for an equitable fee structure it is recommended that different fees be established for the three different possible types of building moves:

1. Moving a structure from a City lot to a City lot;
2. Moving a structure from outside the City to a City lot;
3. Moving a structure from a City lot to a location outside the City.

These different fees will reflect the amount of staff effort required for each type of move. The recommended fees are listed below and explained in detail in Exhibit A.

<u>Fee, Charge or Deposit</u>	Move from -- City -- Outside -- City	Move to -- City -- City -- Outside
Building Move Application Review Fee	\$283	\$283 \$113
Building Move Permit Fee (\$28 an hour will be charged to accompany the structure during the move)	\$ 47+ hourly charge	Hourly charge only 47+ hourly charge
Building move security deposit	\$2,000	\$2,000 \$2,000

In addition to the Building Move Permit, the applicant must also obtain a City Building Permit (if the structure is moved to a City lot) and a sewer disconnect permit (if the structure is moved from a City lot), and pay the fees required for these permits.

The concept of full cost recovery as specified in the ordinance will result in cost increases to the building movers. The total impact of this increase is shown by the following comparisons (Please refer to Exhibit B for a detailed cost breakdown):

<u>Type of Move</u>	<u>Average Existing Cost</u>	<u>Average Proposed Cost</u>
From the City to the City	\$234	\$601
From outside the City	214	534
From the City to outside	95	245

Revenue

It is anticipated that approximately 50 building moves will occur during the year. The new and increased fees will generate \$23,000 in additional revenue per year.

RECOMMENDATION

Staff recommends that the City Council approve this ordinance and the fee resolution.

Respectfully submitted,



Mac Mailes, Director
Planning and Development

RECOMMENDATION APPROVED:

Walter J. Stipe, City Manager

All Districts
November 26, 1985

Attach/

COMPUTATION OF FEES

APPLICATION REVIEW FEE

<u>Activity</u>	<u>Cost by Type of Move</u>		
	<u>From a City Lot To a City Lot</u>	<u>From Outside To a City Lot</u>	<u>From a City Lot To Outside</u>
<u>Planning Division</u> - Visit site structure is to be moved to, meet with applicant, prepare notices, write report.	\$168	\$168	\$ 63
<u>Inspections Division</u> - Inspect structure and visit site, write conditions	94	94	29
<u>Public Works</u> - Review and approve route	21	21	21
	<hr/>	<hr/>	<hr/>
TOTAL COST	\$283	\$283	\$113

BUILDING MOVE PERMIT FEE

<u>Activity</u>	<u>Cost by Type of Move</u>		
	<u>From a City Lot To a City Lot</u>	<u>From Outside To a City Lot</u>	<u>From A City Lot To Outside</u>
<u>Inspections Division</u> - Inspect lot structure was moved from to insure compliance (Inspections at new site covered by building permit)	\$ 47	--	\$ 47
<u>Public Works</u> - Accompany structure during the move	\$ 28/hour	\$28/hour	\$ 28/hour
	<hr/>	<hr/>	<hr/>
TOTAL COST	\$ 47+ hourly	Hourly	\$ 47 + hourly

COMPARISON OF BUILDING MOVE COST

<u>Move from a City Lot to a City Lot</u>	<u>Existing</u>	<u>Proposed</u>
Application Review Fee	—	\$283
Building Move Permit Fee	\$ 75	159
Building Permit Fee	139	139
Sewer Disconnect Fee	20	20
TOTAL	\$234	\$601
 <u>Move from Outside to City Lot</u>		
Application Review Fee	--	\$283
Building Move Fee	\$ 75	112
Building Permit Fee	139	139
TOTAL	\$214	\$534
 <u>From a City Lot to Outside the City</u>		
Application Review Fee	--	\$113
Building Move Permit Fee	75	\$112
Sewer Disconnect Fee	20	20
TOTAL	\$ 95	\$245

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

A RESOLUTION AMENDING CITY OF SACRAMENTO FEE AND CHARGE REPORT REGARDING BUILDING MOVE FEES

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City of Sacramento Fee and Charge Report is amended as follows:

A. Page 62C - Moving Permit

	<u>Moving a Structure from a Site Outside the City Boundaries</u>	<u>Moving a Structure From a Site Inside the City Boundaries</u>
Moving Permit	\$28.00 an hour for staff to accompany the move	\$47.00 + \$28.00 an hour for staff to accompany the move.

B. Page 80C - Building Move Application Review

	<u>Moving a Structure to a Lot Outside City Boundaries</u>	<u>Moving a Structure to a Lot Inside City Boundaries</u>
Building Move Application Review Fee	\$113	\$283

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING ARTICLE XI
OF CHAPTER 9 OF THE SACRAMENTO CITY
CODE, RELATING TO MOVING BUILDINGS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:-

SECTION 1.

Article XI of Chapter 9 of the Sacramento City Code is hereby amended to read as follows:

ARTICLE XI. Moving Buildings

Sec. 9.420 Permit Required.

No person shall move or cause to be relocated any building or structure upon, over, or through any public property or right-of-way in the City of Sacramento, or from outside the City of Sacramento into the City of Sacramento, without first complying with all applicable City Code provisions and obtaining a written moving permit from the Director of Planning and Development according to the procedures set forth in this article.

Sec. 9.421 Application for Permit; Application Fee.

The application for moving permit shall be filed with the Director of Planning and Development and shall contain a statement of the following:

- (a) Name, address, telephone number, valid State Contractor's License number, and valid City Business Tax Certificate Number of applicant,
- (b) Type of structure to be moved,
- (c) Proposed use of structure,
- (d) Approximate date structure was constructed,

- (e) Location of existing structure and proposed new location, including a scaled plot plan of the new site which shows any buildings located on contiguous property,
- (f) Proposed route,
- (g) Proposed date of moving, and anticipated duration of move,
- (h) Accurate dimensions of the length, height, width, and weight, loaded and in transit.
- (i) Hold harmless agreement,
- (j) A certification that all information provided is true, and that the applicant is familiar with, understands, and accepts all obligations and responsibilities relating to the moving of buildings as set forth in this article,
- (k) Such other and further information as the Director of Planning and Development deems necessary.

The application shall be accompanied by a nonrefundable application fee in an amount set by resolution of the city council. The Director of Planning and Development shall cause copies of the application to be sent to the Superintendent of Building Inspections, Director of Public Works, Fire Chief, and Planning Director.

If the dimensions provided on the application are inaccurate and result in delay or damage during the move, City shall retain from the deposit required by Section 9.425 an amount equal to twice the costs associated with such delay or damage, but in no event less than \$100.

Sec. 9.422 Review of Application and Inspections by Building Division.

The Superintendent of Building Inspections shall review the application for moving permit and shall conduct such inspections of the building to be moved, its existing location, and the proposed location as may be necessary to ascertain if the building when moved will comply with applicable city codes and to ascertain what conditions, if any, must be imposed on the permit to insure compliance with all applicable city codes.

Sec. 9.423 Review and Approval by Planning Director; Appeal

The Planning Director shall review the application to determine if the building, when moved to its new location, will satisfy the standards set forth in Paragraph 11.15 of Article II of Section 16, or any successor provision thereto, of city's zoning ordinance and any other design guidelines applicable to the location to which the building will be moved including special requirements in Redevelopment Areas. If the Planning Director determines that the building when moved will not satisfy these standards, he shall so inform the applicant in writing and

the Director of Planning and Development, who shall not issue a moving permit. If the Planning Director determines that the building when moved will meet the applicable standards or can meet the applicable standards if certain conditions are met, he shall so inform the Director of Planning and Development who shall include any necessary conditions on the moving permit. Notice of the Planning Director's decision approving the move shall be mailed to the applicant, posted on the site to which the building is proposed to be moved and mailed to the owners of all property adjacent to the property to which the building is proposed to be moved. Any interested person may appeal the determination of the Planning Director to the Design Review and Preservation Board, whose decision shall be final, by filing a written notice of appeal with the Secretary of the Design Review and Preservation Board not later than five (5) days after the date the decision is mailed to the applicant in the event of denial, or is mailed to the applicant, posted on the site, and mailed to all adjacent property owners in the event of approval.

Sec. 9.424 Review by Director of Public Works and Fire Department.

The Director of Public Works and the Fire Chief shall review the application and the proposed route of move and shall make recommendations for route modifications to the Director of Planning and Development. No building shall be moved except along an approved route specified in a moving permit. Where appropriate, the Director of Public Works shall consult with the Director of Facilities Maintenance and the Superintendent of Parks to insure that the proposed route will not result in damage to or destruction of City facilities or trees. No moving permit shall be issued unless the proposed move complies with applicable provisions of Chapter 45 of this code (Trees) and all necessary tree removal permits have been granted. Tree removal permits will be issued only if consistent with Chapter 45. If permission to trim City trees is granted, a tree inspector must be present at the time of trimming.

Sec. 9.425 Building Moving Fee and Deposit Required.

Before a moving permit is issued, the applicant shall be required to pay a building moving fee in an amount set by resolution of the City Council and to post a security deposit in the amount of \$2,000 in a form satisfactory to the Director of Planning and Development. The building moving fee shall be set to recover all costs incurred by the City in connection with issuing the permit and monitoring compliance therewith including, but not limited to, the cost of inspecting the building and the proposed site and the cost of providing a City representative to accompany the move. From the deposit, the City shall deduct the cost to repair any damages to city property caused by the move, and any other costs or expenses incurred by the city resulting from the move, including the cost of curing any failure of the applicant to comply with the conditions of the moving permit or any other applicable requirement of the City Code.

Posting of the required deposit shall not relieve the applicant/permittee from liability for any damages resulting from the move. Should the costs chargeable to the permittee exceed the deposit, the permittee shall be liable to the City for the excess and shall pay such amount upon demand. No other moving permit shall be granted until such amount is paid.

The deposit, less any authorized deductions, shall be returned to the permittee after a final inspection of the site from which the building was moved, if located within the City, and the final inspection of the relocated building pursuant to Section 9.433.

Sec. 9.426 Insurance Required.

No moving permit shall be issued until the applicant presents satisfactory evidence of insurance coverage as specified in Section 9.370 of this code.

Sec. 9.427 Indemnification and Hold Harmless.

Every applicant for a moving permit shall agree to indemnify and hold harmless the City of Sacramento, its officers, employees, and agents from and against any and all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from, directly or indirectly, the permittee's operations pursuant to the moving permit, which is caused in whole or in part by any negligent act or omission of the permittee, his subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts any of them may be liable, whether or not it is caused in part by a party indemnified hereunder.

Sec. 9.428 Issuance of Permit; Appeal

If the Superintendent of Building Inspections, the Fire Chief, the Director of Planning, and the Director of Public Works report that the proposed move will comply with all requirements of this article and the Sacramento City Code, then the Director of Planning and Development shall issue the moving permit, subject to such conditions as are necessary to ensure compliance with this article and the Sacramento City Code and to ensure the public safety and welfare. If the permit is denied, written notice thereof shall be served in person or by mail on the applicant.

Any applicant aggrieved by denial of a permit or by conditions placed thereon may appeal the decision of the Director of Planning and Development to the Housing Codes Advisory and Appeals Board by filing a written notice of appeal with the Secretary of the Board not later than ten (10) days after the date of the Director of Planning and Development's decision; provided, however, that any matter appealable under Section 9.423 shall not be appealable pursuant to this section. The decision of the Housing Codes Advisory and Appeals Board shall be final. However, any denial based on the recommendation of the Planning Director shall be appealable only as provided in Section 9.423.

Sec. 9.429 Notice to be Given Before Move.

No less than two (2) working days before the move, the permittee shall notify the Director of Planning and Development of the time and route of the move. If permittee fails to give timely notice, City may order the move to be delayed and shall retain \$100 from the deposit as a penalty for non-compliance with this requirement.

Sec. 9.430 City Representative to Accompany Move.

A representative of the Director of Public Works shall accompany all moving of structures covered by this article, to ensure that the permittee complies with all terms of the permit and this code.

Sec. 9.431 Limitation on Temporary Support.

Except as otherwise provided in this section, no person shall permit a building or structure to remain on blocks or other temporary support for more than thirty (30) days at any location, either before a proposed move or after a move. The maintenance of a building on blocks or other temporary support for more than thirty (30) days is hereby declared to be a public nuisance, to be abated pursuant to any applicable provision of the Sacramento City Code.

Buildings listed on the official register and buildings moved from, to or within preservation areas may remain on temporary support for more than thirty (30) days if so authorized by the Director of Planning and Development in writing in the moving permit. The maintenance of a building on temporary support beyond the time authorized by the permit is hereby declared to be a public nuisance, to be abated pursuant to any applicable provision of the Sacramento City Code.

Sec. 9.432 Clean-Up of Site Vacated.

The site from which the building or structure is moved shall be leveled, and any and all foundations or footings removed, and all depressions, holes, excavations or basements filled to eliminate any hazards to persons or property immediately upon removal of the building or structure. All other concrete, rubbish and other debris, deposited, generated or created by the moving of the structure shall be cleared from the site within fifteen (15) days after the move.

Sec. 9.433 Inspection of Building After Relocation; Conditions Required Prior to Use of Occupancy; Time of Completion.

No building or structure moved or transported under the provisions of this article shall be used or occupied until all fireplaces and chimneys therein have been entirely reconstructed, nor until all electrical wiring, piping and tubing for gas, hot air, steam or hot water, sewer and sewer drains have been examined and tested by the Superintendent of Building Inspections and certified to be in good condition. Any

building or the frame of any building which has been moved under the provisions of this code shall meet all current requirements of this code prior to use or occupancy. All work necessary to bring the building or structure into compliance with this code and all other applicable regulations shall be completed within one hundred twenty (120) days after the date of the move, unless an extension not to exceed an additional sixty (60) days is granted for good cause shown by the Director of Planning and Development. If such work is not completed within the time specified, City shall have the right, but not the duty, to cause the work to be completed or cause the building to be demolished, and the cost thereof shall be a charge upon permittee's deposit. If the cost of demolition exceeds the amount available from the deposit, the excess shall be made a special assessment against the property involved, pursuant to the procedures set forth in Article IX of Chapter 50 of the City Code, or shall be the personal obligation of the property owner, or the permittee, or both, as the City Council may determine.

Sec. 9.434 Restrictions on Building Size.

No permit shall be granted for the moving of any building, or the frame of any building, on the streets of the city, the height of which, when placed on wheels, rollers, or other method of transportation, exceeds thirty-two (32) feet from the street level to the highest point of the peak of the roof or cornice of the building, nor which is of a greater width than two-thirds ($2/3$) of the width of the narrowest street between the curb lines over which such building, or frame of building, is to be moved, unless the Director of Public Works certifies that the time required for moving any building, or frame of any building, on the streets of the city will not unreasonably delay traffic. The Director of Public Works shall recommend to the Director of Planning and Development such conditions as are reasonably necessary to avoid unreasonable traffic delay.

Sec. 9.435 Overhead Wires.

When the moving of a building requires the displacement of any overhead electrical, telephone or other wires, it shall be the duty of the person owning, operating or controlling such wires to remove or displace the same to enable the move to proceed.

The permittee shall notify the person owning, operating or controlling the wires of the proposed move and shall provide to such person a copy of the moving permit. Such person shall within twenty-four (24) hours thereafter remove or displace the wires sufficiently to allow the passage of the building along the street over which the wires are suspended. The permittee shall pay to the person owning, operating or controlling the wires the actual cost of such removal or displacement of the wires and of the replacement thereof.

Sec. 9.436 Crossing Railway Tracks.

No building or other structure shall be moved across any railway tracks, except with the written consent of the person controlling such tracks.

Sec. 9.437 Maintaining Barricades and Lights.

Permittee shall maintain all barricades and lights as needed. If said barricades and lights have not been provided or maintained, the Director of Public Works may do so and the costs thereof will be chargeable to the permittee.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK