

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS", ARTICLE VII, "MOVING BUILDINGS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

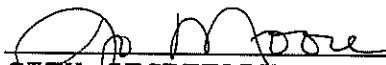
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

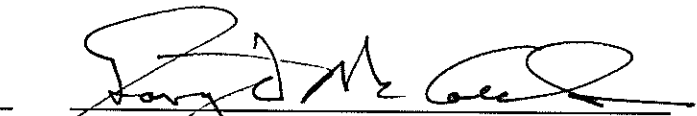
- PART 1. That Chapter 8, Article VII, "Moving Buildings", of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2. That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3. That any person, firm or corporation violating any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 12 day of AUGUST, A.D., 1993.


PASSED ON SECOND AND FINAL READING this 26 day of AUGUST, A.D., 1993.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

**CONSTRUCTION REGULATIONS**

Secs. 8-562--8-700. Reserved.

**ARTICLE VII. MOVING BUILDINGS\***

**DIVISION 1. PERMIT & GENERAL CONDITIONS**

**Sec. 8-701. Route and Permit Requirement & Exceptions.**

No person shall move any house, building, structure of any kind, or any commodity over, along or across any street, highway, alley or public way, unless such route is expressly approved and a permit issued by the City Building Official.

**EXCEPTIONS:**

No permit or route approval shall be required for:

- (1) Manufactured housing as defined and provided for by *Tex. Rev. Civ. Stat. Ann.* art. 6701 1/2 (Vernon Supp. 1993), or as amended, when operated on State Highways or streets or roads of the City of Abilene.
- (2) The following, when operated on State Highways, including those State Highways, that pass through the City of Abilene:
  - (a) Super Heavy Loads, as defined and provided for by *Tex. Rev. Civ. Stat. Ann.* art's. 6701a and 6701d-11, §§ 3 and 5 (Vernon Supp. 1993), or as amended.
  - (b) Portable Buildings, as defined and provided for by *Tex. Rev. Civ. Stat. Ann.* art. 6701a-2 (Vernon Supp. 1993), or as amended.
- (3) Portable buildings that do not exceed a loaded height of fourteen feet (14'), or a maximum loaded width of fourteen feet (14'), or a maximum loaded length of forty feet (40'), and are only moved over City streets or roads.

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\*Cross reference—Streets and sidewalks, Ch. 29.

**Sec. 8-702. Application.**

Before a permit is granted under this division, the person desiring such permit shall make an application, in writing, on forms furnished by the building inspection department.

**Sec. 8-703. Fee.**

Fees shall be assessed according to City Council resolution.

**Sec. 8-704. Payment of taxes required.**

No permit shall be issued to move any house, building or other structure from any location until the applicant furnishes the Building Official with certificates from all applicable taxing authorities showing that ad valorem taxes on the structure and land have been paid.

**Sec. 8-705. Notice to utilities companies; removal and replacement of utility wires.**

Before a permit shall be issued, under this Article, authorizing any proposed moving or relocating and before the moving is begun, if the loading height is over fifteen (15') feet, the permittee shall notify each utility company which has wires, poles or other instruments used as an electrical generating, transmission, or distribution system, or as a communication system, located on, over or across any street in the city along, over or across which the proposed moving operation is routed. Within forty-eight (48) hours (Saturdays, Sundays, and holidays excluded) after the permittee shall have notified any such utility company of the issuance by the Building Official of a permit for the moving of a house, building or other structure, the utility company shall cut, move and repair all wires, cables, poles, or other instruments necessary to be altered in furtherance of the proposed moving operation. The permittee requesting such services on the part of the utility companies shall pay to such utility companies a sum of money, in cash, sufficient to defray the actual expense of performing any such services, including all repairs necessary to restore such instruments as they were; provided, that no charge shall be made to the permittee for the removal or replacement of wires across streets, alleys or other public ways lower than the required minimum height set up by the electrical ordinances of the City. Such payment may be required to the utility companies in advance. It shall be the duty of such utility company to make all necessary repairs and alterations, mentioned in this section, in a safe and workmanlike manner and restore its utility system to a safe condition.

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**Sec. 8-706. Issuance.**

When all facts and information and approvals, required by this Article have been furnished by the applicant for a permit under this Article to the Building Official, the Building Official shall grant issuance of the permit.

**Sec. 8-707. Inspections, completion of certain work required.**

No building or structure shall be moved from a lot, or relocated on a lot, until a permit card has been placed on the side of the building or structure to be moved.

**Sec. 8-708. Obligation of Permittee.**

When a permit is issued for the moving of a house, building, structure, or other commodity, the permittee shall do all of the following:

- (a) Remove all floor slabs, foundations, footings, sidewalks, fences and posts; and,
- (b) Clear and remove all loose tree limbs, appliances and all other personalty, trash, weeds, tall grass and other debris, within twenty-five (25) feet of the building perimeter; and,
- (c) Fill in all holes or depressions, remaining at the building site, and level the area so as to facilitate future mowing maintenance; and,
- (d) Mow the grass; and,
- (e) Plug all sewer lines with concrete; and,
- (f) Complete all of the above within thirty (30) days of actual moving of building or structure from property.

**Sec. 8-709. Appeal of denial.**

Should the Building Official refuse to issue any permit under this Division, the applicant shall have the right of appeal to District Court within ten (10) days after the Building Official notifies the applicant that the permit will not be granted. Otherwise the action of the Building Official shall be final.

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**Secs. 8-710–8-717. Reserved.**

**DIVISION 2. BOND**

**Sec. 8-718. Bond required.**

The permittee shall execute a bond in the amount of ten thousand dollars (\$10,000.00) to the City to be approved by the Building Official, and executed by a surety company duly authorized to transact such business in the State of Texas. Such bond shall be conditioned that the principal will pay any damages, which may accrue to persons as well as the City, on account of moving of such houses or structures along and across the public streets, alleys and highways, and damages to the water and sewer lines of the City, whether such damage is inflicted by the principal or his agents or employees; that the principal will save and keep the City harmless against all liabilities, judgments, costs and expenses which may in anywise accrue against the City in consequence of granting a license or permit under this Article; and that the principal will strictly comply with the conditions of his permits or license and this Code and any other ordinances of the city. Any person sustaining damage because of the moving of such houses or structures may, with the consent of the City Council, sue on such bond without joinder of the City as plaintiff.

Such bond shall be filed in the office of the Building Official.

**Secs. 8-719–8-737. Reserved.**

# APPLICATION FOR HOUSE MOVING

City of Abilene  
Building Inspection Department  
Phone - (915) 676-6270 Fax 676-6229

Date \_\_\_\_\_ Receipt No. \_\_\_\_\_ Fee \$25 \$50 \$150  
(circle one)

**CONTRACTOR:**

**OWNER:**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ City \_\_\_\_\_

A permit is hereby requested to move the following building and/or structure, upon, along or across the public streets or highways in the City of Abilene in accordance with Article VII of the Municipal Code.

FROM: Address \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

TO: Address \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

ROUTE AS FOLLOWS: \_\_\_\_\_

Actual Height When Loaded \_\_\_\_\_ Width \_\_\_\_\_ Length \_\_\_\_\_

Actual Overall Actual Overall

TO BE MOVED ON: Date \_\_\_\_\_ Time \_\_\_\_\_

**APPROVALS REQUIRED:**

POLICE DEPT. 673-8331 \_\_\_\_\_ BLDG. INSPECTION 676-6270 \_\_\_\_\_  
676-6530 \_\_\_\_\_

FIRE DEPT. 676-6434 \_\_\_\_\_

TRAFFIC DIVISION 676-6280 \_\_\_\_\_  
676-6283 \_\_\_\_\_

TAX CERTIFICATE 676-9381 \_\_\_\_\_

**APPROVALS REQUIRED by signature or phone, if over 15'-0" loaded height:**

SOUTHWESTERN BELL 675-3650 \_\_\_\_\_ WEST TEXAS 674-7575 \_\_\_\_\_  
(fax) 675-3661 \_\_\_\_\_ UTILITIES 674-7591 \_\_\_\_\_

OCI CABLE VISION 698-1866 \_\_\_\_\_  
698-9638 \_\_\_\_\_

I hereby acknowledge that I have read this application and state that the information given is correct. I agree to comply with all ordinances of the City of Abilene and the State of Texas regulating moving structures.

Signature of Permittee: \_\_\_\_\_

Authorized Agent: \_\_\_\_\_

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