

ORDINANCE NO. 1952

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE AMENDING CHAPTER 15.20 BY ADOPTING NEW REGULATIONS GOVERNING MOVING OF OVERSIZE STRUCTURES OVER CITY STREETS.

WHEREAS, the City of Milwaukie desires to strengthen and improve its regulations concerning the over street transport of houses and other oversize structures; and

WHEREAS, objectives of the amendments include increasing certainty over the manner in which moved buildings will be sited within the city for zoning purposes; reducing the risk of unauthorized or excessive storage of moved buildings, ensuring appropriate mechanisms for protecting public safety and convenient use of streets; the coordination of affected public safety and utility providers, and establishing penalties for noncompliance; and

WHEREAS, the proposed amendments were provided to industry representatives for comment prior to adoption with no objections having been received; and

WHEREAS, the City Council heard staff proposals at work sessions conducted on October 20, 2003 and July 5, 2005; and

WHEREAS, the City Council conducted a public hearing on this ordinance on July 19, 2005.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Milwaukie Municipal Code Chapter 15.20 – Moving Buildings is hereby repealed.


Section 2. The Milwaukie Municipal Code is amended by adopting a new Chapter 15.20 – Building Relocation, as shown in Exhibit 1.

Section 3. This Ordinance shall become effective on August 19, 2005.

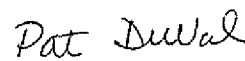
Read for the first time on 07/19/05 and moved to a second reading by 4-0 vote of the City Council.

Read for the second time and adopted by the City Council on 07/19/05.

Signed by the Mayor on 07/19/05.


James Bernard, Mayor

ATTEST


Pat Duval, City Recorder

APPROVED AS TO FORM
Ramis Crew & Corrigan, LLP

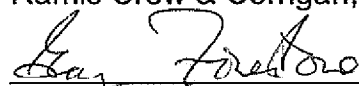

City Attorney

Exhibit 1

An Ordinance Amending Milwaukie Municipal Code Chapter 15.20

July 19, 2005

Section 15.20 Building Relocation

15.20.010 Purpose

The purpose of this section is to establish an orderly process for reviewing requests for moving structures over city streets; minimizing damage to private and public property during the course of moving a structure, securing funds for the repair or restoration of damage caused by moving structures, minimizing disruption to traffic, public utilities, and communication services, protecting public safety and welfare, and ensuring compliance with applicable provisions of the Milwaukie Municipal Code.

15.20.020 Relocation Permit Required

A Relocation Permit is required prior to moving any structure, which is ordinarily attached to real property over city streets. Buildings relocated from sites not within the City of Milwaukie are subject to this chapter. In such cases the Engineering Director shall determine applicable code provisions.

15.20.030 Site and Street Occupancy Prohibited

- A. Occupation of a relocated structure on any lot, tract, or other real property is prohibited without first obtaining zoning certification in accordance with this chapter, required building permits, and payment of all fees.
- B. Temporary storage of moved structures within the City of Milwaukie is prohibited.
- C. Temporary placement of relocated structures within public and private streets is prohibited unless expressly authorized under an approved relocation permit.

15.20.040 Applicant's Burden

The applicant bears the burden of demonstrating compliance with all provisions of these regulations prior to issuance of a relocation permit.

15.20.050 Application Fee

An application fee, as adopted by the City Council, is required at the time of application submission. Applications that are not accompanied by an application fee shall not be accepted.

15.20.060 Insurance

The applicant shall maintain insurance for the following types and amounts of coverage:

- A. General Liability: \$2,000,000 per occurrence.
- B. Auto liability including non-owned and hired: \$2,000,000 per occurrence.

15.20.070 Authority to Decide Relocation Permit

The Engineering Director, or designee, shall interpret, apply, and enforce provisions of this chapter except section 15.020.100, which shall be administered by the Planning Director.

15.20.080 Permit Approval Prohibited

No building relocation permit shall be issued until all liens, charges, and billings applicable to the donor site and owed the City have been paid to the satisfaction of the Finance Director.

15.20.090 Requirement to Provide Notice

The applicant shall provide written notice of the date and time of the move proposed and the move-route no less than 5 business days prior to submitting a building relocation permit to the Engineering Director to the following:

- A. Milwaukie Police Chief and Fire Marshal, Clackamas Fire District #1.
- B. Oregon Department of Transportation for applications which include any portion of Highway 99E or Highway 224 as part of the move-route.
- C. Union Pacific Railroad or other railroad owner if not Union Pacific for any move route that crosses an active rail line.

15.20.100 Demonstration of Zoning Compliance

- A. The applicant shall demonstrate consistency with the Milwaukie Zoning Ordinance for the donor and receiving sites located within the City of Milwaukie prior to issuance of a relocation permit.
- B. Zoning Certification.
 - 1. The relocation permit application shall include sufficient information necessary for determination of zoning compliance for receiving sites and determination of the structure's historic preservation landmark status under the Milwaukie Zoning Ordinance.
 - 2. The Planning Director shall determine whether the applicant has demonstrated compliance with the Zoning Ordinance within 7 workdays of a complete application being received.

15.20.110 Approval Criteria

The Engineering Director may approve, approve with conditions, or deny relocation permit applications. Applications for a relocation permit shall be approved only when the following items have been submitted or otherwise resolved to the Engineering Director's satisfaction. The Engineering Director shall consider recommendations of Building Official, Planning Director,

Street Operations Supervisor, Clackamas Fire District #1, Milwaukie Police Chief, and others as appropriate.

- A. Complete relocation permit application and fee.
- B. Proof of city business registration.
- C. Proposed route, time and date of the move.
- D. Proof of insurance in accordance with Section 10.20.060.
- E. Certification of zoning compliance.
- F. Determination that the proposed time and route of the move is safe and minimizes disruption to traffic.
- G. Proof of approved building permits for receiving site when located in the City of Milwaukie.
- H. The demolition permit for donor site showing proper disconnection and capping of site utilities.
- I. Specification of loaded height, width, and length of structure to be moved, and all escort and other vehicles.
- J. Specification of wheel weight in pounds per square inch.
- K. Identification of all obstructions within the public right-of-way and private property to be removed. Trees that must be pruned or removed are also to be identified. A tree permit may be required in accordance with Section 16.32.
- L. Identification of all traffic controls along the move-route.
- M. Traffic Control Plan.
- N. Certification from applicable utility providers, county, and state agencies noting acceptability of the proposed move and any conditions that have been imposed.
- O. Authorization by owners of the donor and receiving sites to make application for the move.
- P. Written confirmation from the Finance Director that all liens, charges, and billings applicable to the donor site have been satisfied.
- Q. A copy of each notice provided to the Milwaukie Police Chief, Fire Marshal, North Clackamas Fire District #1, Oregon Department of Transportation Region, the railroad operator, as applicable and in accordance with 15.20.090.
- R. A bond to secure repair of any damage to city property or facilities in an amount to be determined by the Engineering Director.
- S. Additional information as may be specified to demonstrate compliance with this Chapter.

15.20.120 Conditions

A relocation permit may be conditioned to specify conditions including but not limited to the following:

- A. Time of move.
- B. Route of move.
- C. Overall length, width, and height of structure to be moved.
- D. Axle weight or wheel weight in pounds per square inch of tire.
- E. Number and location of vehicle escorts.
- F. Required traffic controls.
- G. Terms for repair of damage to roadways, property, or other city facilities.

15.20.130 Notice of Approved Relocation Permit

The applicant shall post a notice of approved Relocation Permit on the property or structure so that it is visible from the street, giving notice of intent to relocate the structure. The notice shall be in the form prescribed by the Engineering Director and shall be posted the same day the permit is approved. The notice must remain posted for five workdays thereafter.

15.20.140 Date Approved Work May Proceed

Work authorized under an approved relocation permit may not commence until expiration of the mandatory appeal period.

15.20.150 Exceptions

The City Council may grant exceptions to these regulations in unusual and deserving cases upon a showing that granting the exception is in the public interest and that the benefits for granting the exception are greater than the impact of not requiring full compliance.

15.20.160 Appeals

- A. The City Council shall decide appeals of decisions on Relocation Permits.
- B. The appeal fee, as adopted by the City Council, is required at the time the appeal is submitted. Appeal applications that are not submitted with the proper fee shall not be accepted.
- C. Appeals on Relocation Permits must be received by the Engineering Director within 5 workdays of the date the relocation permit is issued.

15.20.170 Violations

The penalty for violation of this chapter shall not be less than \$1,000 per day. Each infraction constitutes a separate violation for each day the violation occurs.