

## **ORDINANCE NO. 142**

**AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, PROVIDING REGULATIONS FOR MOVING STRUCTURES INTO THE TOWN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the citizens of the Town to adopt regulations governing the moving of housing structures into the city limits of the Town in order to protect the general public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:**

### **SECTION 1**

#### **Sec. 1. Permit Required.**

It shall be unlawful for any person to move or relocate a building, structure or portion thereof, except portable storage buildings not greater than ten (10) feet in width, twenty (20) feet in length, and twelve (12) feet in height, within the corporate limits of the Town without first obtaining a permit from the Town Secretary. No permit will be required to move a building or structure being moved over any state or federal highway within the Town provided it is being moved under a permit issued by the Texas Department of Transportation and when the moving route is confined to a state or federal highway. For one building or structure being moved in multiple sections, only one permit is required.

#### **Sec. 2. Application for Permit.**

- (a) Any person desiring to move or relocate any old or used house, building or structure within the corporate limits shall file any application with the Town

Secretary requesting that he be permitted to do so. Written application for such permit shall be filed with the Town Secretary at least forty-eight (48) hours prior to the actual moving of the structure. Upon filing an application for a permit, the applicant shall pay a fee as set forth in the Town's fee schedule for the cost of processing the permit application.

- (b) The application shall contain the following information:
  - (1) Name, address and telephone number of applicant;
  - (2) Description and size of house, building, or structure to be moved along with its present location, together with a picture thereof;
  - (3) The present location of the house, building or structure together with a picture thereof;
  - (4) Legal description of the lot and the local address upon which the house, building, or structure is to be moved or relocated if a permit were to be granted;
  - (5) A drawing or plot plan showing the dimensions of the lot or tract of land upon which the house, building, or structure is to be moved or relocated, the location of existing buildings or structures upon the lot, if any, and the location of existing buildings or structures upon adjoining lots;
  - (6) The proposed route, including the time and date when the applicant proposes to move or relocate the house, building, or structure.
    - (i) The proposed route for the move must be signed and approved by the City Secretary, or his designee, on the approval form attached hereto as Exhibit "A"; and
  - (7) The intended use of the house, building, or structure.
- (c) Permit application forms are attached hereto as Exhibit "B".

### **Sec. 3. Investigation of Application by Building Official.**

- (a) Upon filing of the application, the Building Official shall investigate the application by inspecting the house, building, or structure to be moved or relocated upon the lot or tract of land, and the lot or tract of land upon which the house, building, or structure is to be located. He shall then advise the Town Secretary whether the house, building, or structure meets the requirements of the

building code and other applicable ordinances of the Town and whether the lot and house, building, or structure, if allowed to be moved onto the designated lot or tract of land, would meet all of the requirements of the building code and other applicable regulations of the Town.

**Sec. 4. Issuance Of Permit:**

A permit shall not be issued if:

- (a) The house, building or structure to be moved does not and could not with reasonable effort and expense meet all the requirements of all applicable ordinances of the Town;
- (b) The lot or tract of land with the house, building or structure thereon would not meet all of the requirements of the applicable ordinances of the Town;
- (c) The moving of such house, building, or structure upon or from the lot or tract of land would cause injury to persons or property or damage to the streets or other public improvements;
- (d) The proposed route has not been approved pursuant to Section 2(b)(6)(i) of this ordinance; or
- (e) The applicant cannot ensure that he has the financial resources to bring the building up to Town standards within ninety (90) days after completion of the move.

**Sec. 5. Insurance and Bonding Requirements.**

- (a) No permit shall be issued unless the applicant shall file with the Town Secretary a surety bond by a surety acceptable to the Town in the sum of not less than five thousand (\$5,000), which bond shall protect the Town from all costs and damages which may result in the moving of any building or structure.
- (b) The applicant shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State and in the standard form approved by the Texas Department of Insurance. Such policy shall contain a provision that the Town shall be fully indemnified. Such insurance policy shall insure the public from any loss or damage that may arise to any person or property by reason of the moving of a building or structure by the applicant and providing that the following recovery limits be not less than the following:

- (1) For damages arising from bodily injury to or death of one (1) person in any one accident – \$100,000
  - (2) For damages arising from bodily injury to or death of two (2) or more persons in any one accident – \$300,000
  - (3) For injury to or destruction of property in any one accident – \$50,000
- (c) The Town Council may waive any insurance or bonding requirements provided for herein or may require a lesser amount of coverage if in its opinion the public will be adequately protected.

#### **Sec. 6. Escort Required.**

No person shall move any building or structure across or along any public way within the city limits of the Town without an escort provided by a law enforcement agency or a private escort company approved by the Town. All escort vehicles shall be adequately marked and lighted.

#### **Sec. 7. Restrictions on Moving Time and Conditions.**

The moving of any building or structure across or along any public way within the city limits of the Town shall occur only during daylight hours. No building or structure shall be moved during any hazardous weather conditions, or when visibility is reduced to 2/10 of a mile or less.

#### **Sec. 8. House Mover to Make all Arrangements.**

Upon the issuance of said permit, the house mover shall make all arrangements with the public utilities, railroads, and other persons, firms, or corporations whose facilities are involved in such movement, for the removal, relocation, and replacement of wires, poles, or other improvements, to enable the building or structure to be moved without causing damage.

#### **Sec. 9. Notice to Utility Companies.**

Before the moving of a building is commenced, it shall be the duty of the permit holder to give notice of the move to all companies maintaining overhead wires across or along any street or alley included in the designated route and to secure written clearance for such companies. If it is necessary to temporarily move any such wires to accommodate the moving of the building, the same shall be at the expense of the building mover, if the wires are eighteen feet (18') above the right-of-way. If the wires are less than eighteen feet (18') above the right-of-way, they shall be moved at the expense of the utility company. The shortest measurement between the overhead wire and the center point of the right-of-way shall be used for the purposes of this section.

#### **Sec. 10. Water and Sewer Connection Mandatory.**

Any building or structure moved into the Town that is to be used for residential purposes shall be connected to the water and sewer system of the Town, if the building or structure is to be located within two hundred feet (200 ft.) of the Town's water and sewer system, before a certificate of occupancy may be issued for the building or structure.

#### **Sec. 11. Parking on Public Property.**

No building or structure for which a permit has been granted shall be allowed to remain, park, or stand upon the public streets or other public property within the Town for more than twenty four (24) hours, except in cases of emergency in which event the building or structure must be removed from the public streets or public property within twenty four (24) hours after the emergency has abated.

#### **Sec. 12. Issuance of Certificate of Occupancy.**

No person shall occupy such house, building, or structure permitted to be moved until the Building Official issues the permittee a certificate of occupancy. No certificate of occupancy shall be issued until the house, building, or structure complies with all conditions of the permit and all requirements of all applicable ordinances of the Town.

#### **Sec. 13. Liability of the Town.**

Neither the Town nor any authorized agent acting under the terms of this ordinance shall be liable or have any liability by reason of the approval of the route or other orders issued or work done in compliance with the terms of this ordinance.

#### **Sec. 14. Exceptions.**

This ordinance shall not apply to the movement of oversized equipment or buildings or structures of a temporary nature, when such equipment, buildings or structures are within the legal road limit as required by state statutes.

### **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 3.**

All rights and remedies of the Town of Annetta, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances and of the Code of Ordinances of the Town of Annetta which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances and of such Code, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 4.**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 5.**

Any person who commits an offense under this ordinance shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a person shall be in violation of this ordinance shall constitute a separate offense.

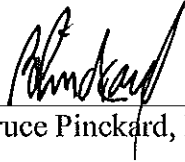
### **SECTION 6.**

The Town Secretary of the Town of Annetta is hereby directed to publish in the official newspaper of the Town of Annetta, the caption, penalty clause, and effective date clause once as authorized by Chapter 52 of the Local Government Code.

### **SECTION 7.**

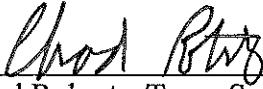
This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED** on this 16<sup>th</sup> day of January, 2014.



\_\_\_\_\_  
Bruce Pinckard, Mayor

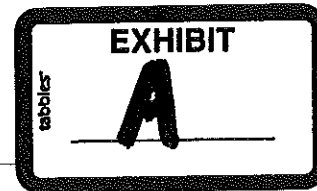
ATTEST:



\_\_\_\_\_  
Chad Roberts, Town Secretary



**APPLICATION FOR STRUCTURE MOVING PERMIT**



Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of type of structure: \_\_\_\_\_

Approximate dimensions of structure: \_\_\_\_\_

Approximate square footage of structure: \_\_\_\_\_

Address where structure is currently located: \_\_\_\_\_

Address where structure is to be located: \_\_\_\_\_

Anticipated date of move: \_\_\_\_\_

Intended use of structure (residential, commercial, storage, etc.): \_\_\_\_\_

**I hereby certify that I have complied with all of the Town of Annetta's ordinance prerequisite requirements governing the moving of structures into the Town's city limits. I further certify that after the structure is installed on the property, I will cause the structure to come into compliance with all applicable ordinances of the Town of Annetta.**

**Applicant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

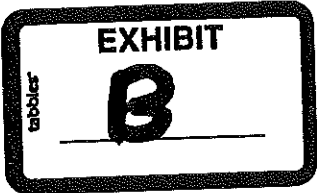
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**FOR OFFICE USE ONLY:**

|                        | <b>Yes</b>               | <b>No</b>                                                                   |
|------------------------|--------------------------|-----------------------------------------------------------------------------|
| Approved route?        | <input type="checkbox"/> | <input type="checkbox"/>                                                    |
| Attached picture?      | <input type="checkbox"/> | <input type="checkbox"/>                                                    |
| Drawing/Plot attached? | <input type="checkbox"/> | <input type="checkbox"/>                                                    |
| Surety bond?           | <input type="checkbox"/> | <input type="checkbox"/>                                                    |
| Escort arranged?       | <input type="checkbox"/> | <input type="checkbox"/>                                                    |
| Permit issued?         | <input type="checkbox"/> | <input type="checkbox"/> If no, reason: _____<br>If yes, date issued: _____ |

\_\_\_\_\_  
City Secretary





**ROUTE APPROVAL FOR  
STRUCTURE MOVING PERMIT  
TOWN OF ANNETTA  
405 THUNDER HEAD LANE, ANNETTA, TX 76008**

Applicant: \_\_\_\_\_

Date of move: \_\_\_\_\_ Time of move: \_\_\_\_\_

Route of move: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of final destination: \_\_\_\_\_

Route Approval: \_\_\_\_\_  
CITY SECRETARY

Date: \_\_\_\_\_