

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 6-16, 6-17, 6-18, AND 6-20 OF THE LEXINGTON CITY CODE; TO MAINTAIN AND ENCOURAGE IMPROVEMENT OF LEXINGTON'S HOUSING STOCK; TO REPEAL ORIGINAL SECTIONS 6-16, 6-17, 6-18, AND 6-20, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. Findings and Intent.

- A. The City Council wishes to maintain and encourage the continuous quality improvement of housing stock within the City's jurisdiction.
- B. The continuous improvement of housing in Lexington results in corresponding improvements in safety, aesthetics and quality of life.
- C. The movement of houses provides a window of opportunity to encourage housing upgrades and improvement.

Section 2. That Section 6-16 of the Lexington City Code is hereby amended to read as follows:

Sec. 6-16 Permit Required.

No person shall move any building over, along or across any highway, street or alley within the corporate limits of the City without first obtaining:

- 1. A Moving Permit from the City Building Department for moving of the building;
- 2. A Building Permit from the City Building Department for the move-related construction; and
- 3. A Special Use Permit for location of the building within the City.

Section 3. That Section 6-17 of the Lexington City Code is hereby amended to read as follows:

Sec. 6-17 Application.

A person seeking issuance of a Moving Permit hereunder shall file an application for such permit with the city building inspector.

- (1) Form: The application shall be made in writing, upon forms provided by the building inspector or otherwise, and shall be filed in the office of the building inspector.
- (2) Contents: The application shall set forth:

- (a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
 - (b) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City;
 - (c) A legal description of the lot to which it is proposed such building be moved, giving lot, block and tract number, if located in the City;
 - (d) The portion of the lot to be occupied by the building when moved;
 - (e) The highways, streets and alleys over, along or across which the building is proposed to be moved;
 - (f) Proposed moving date and hours;
 - (g) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should issue.
- (3) Accompanying papers:
- (a) Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of liens and that all taxes and any City assessments or utility charges against the same are paid in full.
 - (b) Certificate of ownership or entitlement. The applicant shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
 - (c) Proof of liability insurance, provided by the moving contractor, in the amount of at least \$1,000,000.
- (4) Fee: The application shall be accompanied by a permit fee in the amount set by Resolution of the Lexington City Council.

Section 4. That Section 6-18 of the Lexington City Code is hereby amended to read as follows:

Sec. 6-18 Duties of Building Inspector.

- (1) Inspection. The building inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a Moving Permit are met.

- (2) Standards for issuance. No Moving Permit shall be issued unless the Building Inspector shall make the following affirmative findings:
- (a) That any required fee or deposit requirement has been paid;
 - (b) That the building is of a size to move without endangering persons or property within the City;
 - (c) That if the removal destination is within the City, the building and new foundation are structurally sound and in compliance with building code, electrical, plumbing and mechanical codes for new construction, and the Uniform Property Maintenance Code;
 - (d) That the applicant's equipment is unsafe and that persons or property would not be endangered by its use;
 - (e) If the removal location is within the City, that the building complies with all zoning or other ordinances;
 - (f) That for any other reason persons or property in the city would not be endangered by the moving of the building.
- (3) Estimate of expense to City. The building inspector shall procure from the City street department and City utilities department an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit the building inspector shall require of the applicant a deposit of a sum of money equal to the amount of the estimated expense or \$500.00, whichever is greater.
- (4) When the building inspector shall determine that the moving of a building shall interfere with any gas mains, telephone or telegraph poles or wires, cable TV wires or equipment, or other public or private facilities, said building inspector shall give notice to the person, business or franchise owning such facilities of the provisions of any proposed moving permit.
- (5) Designate streets for removal. The building inspector shall procure from the public streets and utilities departments a list of designated streets over which the building may be moved. The building inspector shall have the list approved by the Chief of Police and shall reproduce the list upon the permit in writing. In making their determinations the street department and utilities department and Chief of Police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

Section 5. That Section 6-20 of the Lexington City Code is hereby amended to read as follows:

Sec. 6-20 Special Use Permit.

Buildings, other than modular buildings occupied for less than one (1) year and other buildings of new construction occupied for less than one (1) year, which are otherwise permitted to be moved shall not be moved unless Special Use permit is granted by the City Council, after notice and public hearings before the Planning Commission and City Council in compliance with Sections 28-38 through 28-38.2.

Section 6. That original Sections 6-16, 6-17, 6-18, and 6-20 together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 7. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 14th day of August, 2007.

Mayor

Attest:

Deputy City Clerk