

ORDINANCE NO. 01 - 6

AN ORDINANCE MODIFYING POTTSVILLE CITY ORDINANCE 94-3 BY REVISING ARTICLE V SECTION 10 (SIGNS AND BILLBOARDS) AND ADDING ARTICLE V SECTION 15 (MOVING OF STRUCTURES) REGULATING THE MOVING OF STRUCTURES AND BUILDINGS WITHIN THE CITY LIMITS OF THE CITY OF POTTSVILLE, POPE COUNTY, ARKANSAS.

Whereas, the City of Pottsville, Arkansas has an interest in the protection of its citizens and the city's property; and,

Whereas, the City of Pottsville has a need for control of signs and billboards placed near the right-of-way of the Interstate Highway System to satisfy permit requirements of the Arkansas Transportation and Highway Department (ATHD), and,

Whereas, the City of Pottsville has a need for regulations to control the movement and placement of structures and buildings from one location to another inside the city limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, POPE COUNTY, ARKANSAS:

Section 1. That **ARTICLE V (SPECIAL PROVISIONS) SECTION 10 (SIGNS AND BILLBOARDS)** of the Pottsville City Zoning Ordinance 94-3 be modified to read as follows:

"All signs, billboards or other advertising structures shall comply fully with the provisions of this Ordinance and all other sign control regulations established by the City of Pottsville.

Signs and billboards to be erected and maintained in areas within 660 feet of the nearest edge of the right-of-way of the Interstate Highway System designated as Interstate-40 shall be located in a zoning area classified as Industrial or Commercial by the City of Pottsville Zoning Ordinance. These signs shall have a maximum area on one facing of 1,200 square feet and a maximum length of 60 feet and a maximum height of 25 feet inclusive of any border and trim but excluding ornamental base or apron supports and other structural members."

Section 2. That **ARTICLE V (SPECIAL PROVISIONS) SECTION 15 (MOVING OF STRUCTURES)** be added to the Pottsville City Zoning Ordinance 94-3 to read as follows:

ARTICLE V

SPECIAL PROVISIONS

SECTION 15

MOVING OF STRUCTURES

A. STRUCTURE DEFINED.

The term "structure" as used in this section means any house, building, or other structure ten (10) feet or more in width, which is moved from one location to another upon, across, over or near any street, avenue, alley, highway, sidewalk, or other public ground of the city.

B. STRUCTURE MOVING PERMIT REQUIRED

It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any structure in the City of Pottsville from one place to another upon the same lot, or from one place in the city to another place in the city not upon the same lot, or from outside the city into the city, or from inside the city to outside the city without first securing a Structure Moving Permit to do so from the City.

However, the Designated Agent of the Mayor may grant a building permit for a "portable" building if said building or structure meets the following criteria, and other requirements of this ordinance.

A portable building as used in this section of this ordinance shall mean any building or structure not designed for full time occupancy, with no sleeping quarters and no installed electrical wiring or receptacles and no plumbing facilities and so designed as to be transported after fabrication, arriving at the site of location as a fully assembled structure not more than 160 square feet in area and not more than sixteen (16) feet in its greatest dimension.

Such building shall be deemed an "Accessory Building" and will be subject to the conditions applying to uses in Article 5 Section 1 of this Zoning Ordinance. Such building shall further comply with all requirements set forth in this ordinance for the zoning district into which said building or structure is placed.

However, the Mayor and Designated Agent may grant a permit for up to 180 days to locate a temporary or portable building or office within the City of Pottsville. The application for such permit shall be made direct to Designated Agent and Mayor for approval and issuance of permit.

C. APPLICATIONS FOR PERMIT

All applications for a relocation permit to move any building shall be made in writing to the Building Code Enforcement Official, not less than thirty (30) days prior to the required public hearing, on a form furnished by said Official, and shall contain the following information:

- (1) Description of type of building or structure to be moved including dimensions (height, width, and length), principal construction materials of the structure's walls, floors and roof, etc.
- (2) Present location of building or structure (physical address).
- (3) Proposed location of building (Including legal description of property and physical address).
- (4) A plat plan of the lot or parcel on which the building or structure is to be located including dimensions and identifying the public way providing access to the land. The plat shall also indicate the location of the building or structure on the plan.
- (5) A footing and foundation plan indicating the type, material and dimensions of all footings and foundation to be used to support the building or structure at the proposed location.
- (6) Construction plans for any alterations in the building's framework or layout or new construction to be attached to the building or structure.
- (7) Detailed description of present and future use of the building or structure.
- (8) Description of route over which said building or structure is to be moved including identified obstructions such as overhead utility lines, bridges, etc and contingency plans to deal with these obstructions.
- (9) Name, license number, address and telephone number of licensed and bonded mover to be used and method to be used in moving said building or structure.
- (10) A certificate of liability insurance from an insurance company authorized to do business in the state stating that the licensed mover has a valid insurance policy covering general and contractual liability in an amount of not less than one hundred thousand dollars (\$100,000) for bodily injury (including death) to each person and in an amount of not less than three hundred thousand dollars (\$300,000) for bodily injuries (including death) to all persons on account of one (1) accident, and in an amount of not less than twenty-five thousand dollars (\$25,000) for property damage for any one (1) person or fifty thousand dollars (\$50,000) for property damage for an aggregate resulting from any one (1) accident; such certificate shall certify that the policy covers the contractual liability assumed by the mover in connection with the moving of structures as herein provided.
- (11) Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.

- (12) A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.
- (13) Names and addresses of all property owners surrounding the proposed location of building or structure.
- (14) The day and hour of the day when the structure will first be moved into the limits of the public way and the approximate length of time the structure will be within said limits.
- (15) List any railway tracks, if any will be crossed, their location, and the day and approximate hour when such crossing will be made.
- (16) List and describe the location of any street structures which will be removed or interfered with, including sidewalks, curbing, fire hydrants, and street sign or signals.
- (17) Memos to Pottsville City Police and Fire Chiefs stating date, time and route of movement and requesting traffic control or alternate routes for emergency traffic.
- (18) Such other information as may reasonably be required in order to carry out the purposes of this Section.

If, upon review of the application, the Building Code Enforcement Official, can reasonably determine that the building or structure meets requirements of a portable building as defined in this ordinance, then a building permit may be granted and no building moving fee will be charged. If this determination cannot be made by the Building Code Enforcement Official, the application will be forwarded to the City Planning Commission for action as set out in this ordinance for the moving of other buildings and structures.

D. PERMITS TO UNLICENSED APPLICANTS AUTHORIZED

The Building Code Enforcement Official may issue a Structure Moving Permit to persons, whether licensed or not, when the maximum width of such structure along the line of travel does not exceed fourteen (14) feet, and when they may be moved on rubber tired vehicles or trucks in such a manner as will not substantially interfere with traffic, damage any street structure, require removal of any overhead obstructions, or damage any street pavements or sidewalks. Before issuing such a permit the Building Code Enforcement Official shall designate the route to be followed and the date and time when such moving shall take place, and shall supervise the operation of moving thereof.

E. FEES

Before any application for a Structure Moving Permit is forwarded to the City Planning Commission, an application fee shall be paid by the applicant to the Designated Agent of the City of Pottsville to cover the cost of investigation and inspection. The application fee shall be thirty-five dollars (\$35.00) for any building or structure located within the City of Pottsville.

The application fee shall be thirty-five dollars (\$35.00) plus one dollar (\$1.00) for each mile from Pottsville City Hall, or fraction thereof, when the building or structure to be moved is located beyond the city limits of the City of Pottsville. This application fee shall be in addition to all other fees required by the City Code of the City of Pottsville.

Upon acceptance of any application for a Structure Moving Permit, the Planning Commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved.

(F) COMPLIANCE WITH BUILDING, ZONING, OTHER ORDINANCES.

No Structure Moving Permit shall be issued unless the structure, if moved to a new location in the city, will comply with the zoning, building code and all other ordinances of the city.

G. MOVING OVER RAILWAY TRACKS

No permit shall be issued for the moving of any structure across the tracks of any railway until the mover thereof shall have given the superintendent of such railway company not less than twenty-four (24) hours notice before such crossing of the tracks is to be made and satisfactory arrangements for such crossing have been made and the Building Code Enforcement Official advised in detail of such arrangements.

H. CONSENT TO MOVE OVERHEAD OBSTRUCTIONS (IE WIRES, CABLES) REQUIRED

No permit shall be issued for the moving of any structure which requires the removal of overhead obstructions (electric, telephone, cable TV wires or cables) until not less than twenty-four (24) hours notice has been given of the time and place such removal is desired and the consent of the responsible company has been secured for such removal and the Building Code Enforcement Official advised of such satisfactory arrangements.

I. AUTHORITY TO REQUIRE PLANKING OF STREETS

When in the judgment of the Building Code Enforcement Official it is necessary to protect streets or street improvements, the Building Code Enforcement Official may require the house mover to properly and adequately plank such streets and all rollers, trucks or other devices used in conveying and moving same shall run upon and rest upon such planks at all times.

J. NOTICE OF HEARING

The Planning Commission shall cause the applicant to post, fifteen (15) days prior to the date on which application for a permit is to be heard, a notice upon a sign upon the premise of which said structure is to be moved, which said notice shall contain the following:

- (1) The date on which the Planning Commission of Pottsville shall hold a public hearing on the application for a permit to move a structure.
- (2) Description of type of structure to be moved.
- (3) Present location of structure.
- (4) Proposed location of structure.

The sign shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line. The sign shall be provided by the Planning Department concurrent with the application.

The applicant must file a legal notice in regard to the structure moving which must run in a local newspaper at least once no later than fifteen (15) days prior to the public hearing. This public notice must include the present location of the structure to be moved, the location (including legal description and address (if no address is available, a description clear to the average lay person will suffice), the type structure to be moved, the proposed use of the structure and the time, date and place of the public hearing.

The applicant must notify each property owner surrounding the proposed location of the building or structure by certified letter no later than fifteen (15) days prior to the public hearing of the purpose of the proposed Structure Moving Permit and the location, date and time of the public meeting to discuss the approval of the permit. Proof of receipt of the notification should be presented to the Planning Department prior to the public hearing.

K. PUBLIC HEARING

At the time fixed in said notices to be posted as aforesaid, any person may appear before the Planning Commission of the City of Pottsville and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application permit, the Planning Commission of Pottsville shall forward to the City Council of the City of Pottsville the original application, and the Planning Commission's findings and recommending the approval or disapproval of the application. The hearing of said application may be continued from time to time at said Planning Commission's discretion. On receipt of said recommendations, the City Council of the City of Pottsville may, in its discretion, either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council.

L. PERMIT CONDITIONS

No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which if it be a dwelling for habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which

the structure is to be relocated; or, if the proposed use is prohibited by any provision of the City Code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may be issued on such terms and conditions as the building inspector may deem reasonable and proper including but not limited to the requirement of changes, alterations, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to the public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber, and other debris and the filling of basements, cellars, or other excavations remaining from the removal of the building or structure from the premises from which it is moved when such premises are within the City of Pottsville.

After a Structure Moving Permit is secured, a building permit must be sought and granted prior to movement of the building.

M. REMOVAL CLEANUP

When a building or structure is moved from any property located in the City of Pottsville to any other location, the site from which the building is moved shall be cleaned up within ninety (90) days from time of building removal. All concrete, lumber, and other debris remaining from the removal of the building shall be removed and all basements, cellars, and other excavations shall be filled and leveled. Such work shall be performed by the person moving such building or structure. Any person, firm or corporation that fails to meet time requirements for cleanup of property shall be guilty of a misdemeanor and on conviction shall be fined no less than twenty-five (\$25.00). Each day that violation of this regulation is in effect shall constitute a separate offense and be subject to additional fines of twenty-five dollars (\$25.00) per day.

N. DENIAL OF PERMIT -GROUNDS

If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

O. BOND DAMAGE TO STREETS OR PROPERTY

In granting any permit, the council will require applicant to give a bond to the City of Pottsville in an amount of \$3000 dollars or greater to be fixed by said council to ensure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building.

P. OCCUPANCY

Prior to any occupancy of a relocated building or structure, the Building Code Enforcement Official must perform a through inspection to ensure the building or structure conforms to all code requirements of the City of Pottsville and that all requirements of the Building Moving Permit have been complied with. If any conditions are noted that do not conform to code requirements, a memo to the owner shall be prepared by the Building Code Enforcement Official stating the requirements not met and actions required to the requirements. If all requirements are met, a memo of certification will be prepared by the Building Code Enforcement Officer stating that all requirements have been met and forward a copy to the owner or responsible party.

Q. EXEMPTIONS

All buildings meeting the criteria for a portable building are exempt from the requirements of this article. However, all such buildings shall be required to obtain a building permit and all other required permits and undergo and pass all inspections as required by ordinances or rules, regulations or codes

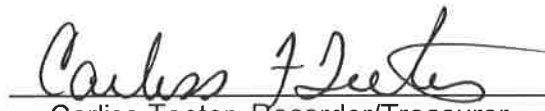
Section 3. That all ordinances and parts of ordinances of a permanent or general nature in effect at the time of this ordinance, and not included herein, are hereby repealed where they are in conflict with this ordinance.

Section 4. That it being immediately necessary for the preservation of the public peace, health, safety of the City of Pottsville, Arkansas, and the inhabitants thereof, an emergency is hereby declared to exist, by reason thereof this ordinance shall take effect and be in full force and effect from and after its passage and publication this 24 day of Sept., 2001.


Jerry Duvall, Mayor
City of Pottsville

ATTEST:

I, Carliss Teeter, Recorder/Treasurer of the City of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 01-6 passed by the City Council of the City of Pottsville, Pope County, Arkansas, on the 24 day of Sept., 2001.


Carliss Teeter, Recorder/Treasurer
City of Pottsville