CITY OF LOGAN
ORDINANCE NO. 2002-60

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989, SECTION 17.44.060 "BUILDING RELocation AND TEMPORARY STRUCTURES."

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS FOLLOWS:


15.24.010 Moving buildings.
(See Section 17.44.060)
It is unlawful to move any building which will tend to obstruct traffic through the streets of the city without a permit. The application for permit shall be filed with the building inspector. The fee for such permit shall be ten dollars. The permit shall designate the streets and walks that may be used, and a copy thereof shall be filed with the fire chief and chief of police. The application for permit shall contain a provision that the applicant agrees to pay within thirty days after the presentation of a statement all costs incurred by the city as a result of the moving of such building. Such costs will include the actual cost to the city of any materials, the reasonable value on a per-hour basis of labor expended by the city employees, fair hourly rental value of the city equipment and machinery used and any other incidental costs directly related to such move. In addition to being liable for all such expenses occasioned to the city the permit holder shall be responsible for all damages caused by such moving to any street, bridge, sidewalk or wiring in the city.
(Prior code §6-4-6)

SECTION 2: Logan Municipal Code, 1989, Section 17.44.060 of the Land Use Code "Building Relocation and Temporary Structures," is hereby added to read as follows:

17.44.60 BUILDING RELocation AND TEMPORARY STRUCTURES.
STRUCTURE RELOCATION

A. General
No building or structure shall be moved into nor relocated in the city unless such building or structure and proposed foundation are in compliance with current building codes, land development code, and all other pertinent city ordinances. The relocation of mobile homes, demountable structures, manufactured buildings, and similar movable structures shall also be subject to the requirements of this section, except the requirements of this provision shall not apply to the moving of mobile homes into a mobile home park.

B. Permits Required
No person, firm or corporation shall move into or relocate within the city any building or structure without first obtaining a building permit and a conditional use permit. Permits shall be required prior to relocation. A site investigation will be required whenever the Chief Building Official deems appropriate.

Failure to comply with the requirements of this chapter shall require that the relocated structure or building be relocated to a site allowed and intended for storage of building materials or it shall be moved outside of city jurisdiction. In addition, failure to comply with any of the requirements of this chapter shall be subject to the enforcement provisions of the Municipal Code.

C. Investigation.
Prior to the issuance of a Conditional Use Permit for the relocation of a building or structure, the Chief Building Official shall investigate any buildings or structures to be relocated and the property for relocation in order to determine whether a permit shall be granted. The Director of Community Development shall specify conditions that shall accompany the permit. Conditions may apply to the vacated site, the moving operation, and the permanent lot.

Investigation of the building or structure to be relocated shall include the review of complete site and building plans showing compliance with all current codes regulating construction. The plans must include complete structural, electrical, plumbing, and mechanical drawings with a detailed scope of
work to be performed with the relocation. The approved plans shall be included in the conditions of the building permit.

D. Standard Conditions of Relocation

1. No building or structure shall be moved into nor relocated within the city that is dangerous or unsafe, or which is infested, dilapidated, defective, or in such a condition of deterioration or disrepair that its relocation at the proposed site would be materially detrimental to the property in the district or area surrounding the proposed site. The Chief Building Official may place such conditions as deemed necessary to protect the public health, safety or welfare on any proposed relocation of a building or structure;

2. All footings and foundations on the site to which the building or structure is to be relocated shall be inspected, approved, and installed prior to removal of the building or structure from its original site;

3. All relocated structures shall be permanently affixed to a new foundation within forty-five days of approval of the foundation. Prior to the release of the permit, the applicant may request, in writing, an extension of the forty-five day time, subject to approval by the Director of Community Development. All relocated structures shall comply with all applicable regulations and conditions within six months of the date of the permit issuance unless otherwise approved and extended in writing by the Director of Community Development;

4. All relocated buildings or structures, whether permanently affixed to a new foundation or not, and all buildings or structures to be relocated, shall be maintained in a safe, secure condition. This will require certification by a licensed structural engineer that the structure is sound enough to be moved and relocated. The structural engineer must include drawings and specifications to support structural analysis for moving and relocation at the proposed site. The Chief Building Official may require a structural peer review to substantiate findings of the structural engineer.

5. At the proposed site, all landscaping, walkways, masonry work, or required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the city. At the vacated site, restoration and improvements shall be required as deemed necessary by the Chief Building Official.

6. A bond or other assurance shall be posted as a guarantee that the building and grounds will be improved, as stipulated, before the building is occupied. The bond or other assurance shall include costs for the vacated site to be restored to a safe and sightly condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvements to the buildings and premises as required.

7. The applicant shall pay all cost incurred by the city for materials, labor, equipment and machinery, and other incidental costs directly related to the move. The permit holder shall also be responsible for the cost to repair all damages caused by the move to streets, bridges, sidewalks, trees and landscape, utilities, and other property.

E. Storage of Relocated Structures or Buildings

Storage of a relocated structure or at a location other than the vacated or permanent site shall only occur at a site allowed and intended for storage of building materials. When a building or structure is relocated at a site allowed and intended for storage of building materials, the following requirements shall apply:

1. Application for, fees for, and construction of any foundation work or any improvements is not required until such time as the building is ready to be relocated from the yard. The foundation permit must be released and the foundation inspected, approved, and installed prior to removal of the building from the yard; and

2. If relocated structures are to be stored for a period exceeding thirty days, they shall be in compliance with setback requirements as set forth in the Land Development Code.

3. All structures shall be securely blocked to resist normal wind forces. In addition, any structure stored shall be secured in a secure fenced yard.
F. Findings of Fact
A building permit for the relocation of a building or structure granted to the applicant shall be substantiated by the finding of 17.49.050. The following additional findings shall be determined:
1. The building or structure will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved;
2. The building or structure is in conformity with the quality of buildings existing in the area of the proposed site.

G. Existing relocated structures.
Buildings or structures that have been removed from the original location and that have not been relocated to a permanent site on a permanent foundation prior to the adoption of this ordinance shall comply with the regulations of this chapter within 45 days. Failure to comply with the requirements of this section may result in additional fees being levied or initiation of enforcement procedures provided in the Municipal Code.

Once application has been made for a conditional use permit, the Director of Community Development may grant a one-time, 6 month extension of time when the following findings can be substantiated:
1. The proponent’s initiation of relocation and permitting activities is limited by the City or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder’s control.
2. The proponent has made a good faith effort to initiate the project by systematically completing pre-relocation conditions to the satisfaction of the responsible agency or department.
3. Circumstances—other than approval of financing—beyond the control of the permit holder has prevented initiation of the project.

H. License—Required
It is unlawful to engage in the business of house moving, raising, or shoring without first having obtained a business license therefore.

SECTION 3: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 18th DAY OF SEPTEMBER, 2002, by the following vote:
AYES: Pyfer, Kerr, Allred, S. Thompson
NAYS: None
ABSENT: Borg

Tom Kerr, Chairman

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 26th day of September, 2002.

Tom Kerr, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 26th day of September, 2002.

Douglas B. Thompson, Mayor
STATE OF UTAH  
COUNTY OF CACHE, ss.

On this 5th day of September, A.D. 2002, personally appeared before me, Mandie Simpson, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement:

NOTICE OF PUBLIC HEARING: LAND USE CODE AMENDMENTS

was published in said newspaper for ONE (1) issue, commencing September 4, 2002, and ending September 4, 2002.

Signed Mandie Simpson

Subscribed and sworn to before me, the day and year above written.

Signed

Cynthia K. Fulson
Notary Public


NOTICE OF PUBLIC HEARING: LAND USE CODE AMENDMENTS

The Logan Municipal Council will hold a public hearing to consider the following:

1) City of Logan, applicant, proposes a text change to the Logan City Land Development Code Section 17.44.060: Moveable Structures. The proposed amendment would be an addition to the Logan City Land Development Code Section 17.44.060: Moveable Structures. The proposed text change would replace the existing Section 17.44.060.

2) City of Logan, applicant, proposes a text change to the Logan City Land Development Code Section 17.15.020: Residential Site Development Standards. The proposed text change includes changes to the side yard setbacks for accessory structures in the Single Family Traditional (SFT) and Single Family Residential (SFR) zoning districts.

A public hearing will be held before the Logan Municipal Council on Wednesday, September 18, 2002, at 6:15 p.m., in the Council Chambers, 255 North Main Street, Logan, Utah.
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 5th day of September A.D. 2002, personally appeared before me Mandie Simpson, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement: "NOTICE OF PUBLIC HEARING LAND USE CODE AMENDMENTS" a copy of which is hereto attached, was published in said newspaper for ONE (1) issue commencing September 4, 2002, and ending September 4, 2002.

Signed Mandie Simpson

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia K. Fulton
Notary Public

(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 8th day of October .................................................. A.D. 2002

personally appeared before me . . . Rachelle S. Thomas .................................. who being first duly sworn,
deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal
a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement ........................................

LEGAL NOTICE

a copy of which is hereto attached, was published in said
newspaper for . . . One (1) issue ..................................................

commencing October 5, 2002 .................. and
ending . . . October 5, 2002 . . . .

Signed . . . . Rachelle S. Thomas

Subscribed and sworn to before me, the day and year
above written. . .

Signed . . . . Cynthina K. Fulton

Notary Public


SUMMARIES OF ORDINANCES amending the Logan Municipal Code, 1989, passed
by the Logan Municipal Council are as follows:

ORD. 02-53. An ordinance amending Section 2.02.080, "Parks and Recreation Advisory Board," was adopted September 4, 2002 and approved September 26, 2002 changing the composition of the seven-member board.

ORD. 02-60. An ordinance added Section 17.44.60, "Structure Relocation," to the Land Development Code, dealing with the relocation of buildings, structures, mobile homes, demountable structures, manufactured buildings, and similar movable structures. (The provisions do not apply to the moving of mobile homes into a mobile home park.) The ordinance sets standards for structure relocation. Among these are compliance with codes, obtaining building and conditional use permits, and investigation by the Chief Building Official: The ordinance also regulates existing relocated structures.

Existing relocated structures are required to comply with the regulations of the chapter within 60 days from the adoption of the ordinance. Extensions may be granted by the Director of Community Development.

Section 15.24.010, Moving Buildings, is repealed.

ORD. 02-62. An ordinance amending Title 5, "Business Licenses and Regulations," was adopted September 18, 2002 and approved September 26, 2002 clarifying the appeals process: Section 5.02.160, provides and sets forth uniform appeals procedures for business license actions of the City, including application denial, conditional approval of the license, and license denial, non-renewal, revocation, or suspension.

These ordinances are effective immediately upon publication.

Full texts of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, during regular business hours.

Lois Price, Recorder

Publication Date: October 5, 2002