

**CITY OF KENTWOOD
CITY COMMISSION
ORDINANCE NO. 8-05**

AN ORDINANCE TO AMEND ARTICLE 5 OF CHAPTER 74
OF THE CODE OF ORDINANCES, CITY OF KENTWOOD,
ENTITLED "BUILDINGS AND BUILDING REGULATIONS"

THE CITY OF KENTWOOD ORDAINS:

Section 1. Amendment of Section 74-141. That Section 74-141, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-141. Rules and Regulations.

(a) It shall be the duty of the person issued a permit under this article to follow the prescribed route and observe all rules and regulations in force for the protection of paved streets and to move such building with all possible dispatch and in a manner least calculated to obstruct public travel on such occupied streets.

(b) No person shall leave any building, while in the progress of removal, standing over any street crossing at any time. If it shall be necessary for such building to stand over night in any street or public place, the person having charge thereof shall place good and sufficient lights, including a visible bright red light and such other lights as required by the City's Traffic Engineer, upon the building as a warning to persons passing over such street of the presence of the building, and such lights shall be kept burning during the night.

(Comp. Ords. 1987, § 22.207)

Section 2. Amendment of Section 74-142. That Section 74-142, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-142. Lines, Cables and Wires.

(a) If it is found that in moving any building, the building will come in contact with the wires or cables of the public lighting system, other public electric wires, or will come in contact with the lines, cables or wires of any person holding franchise rights within the City limits or having authority to string such wires or cables in connection therewith, it shall be the Permittee's duty to immediately notify the proper municipal officer or the principal local officer or agent of such franchise, or both, as the case may be, that the moving of the building will interfere with such wires or cables.

(b) It shall also be the Permittee's duty to pay or arrange for the payment, to such officer or agent, of all actual expenses involved with removing and replacing such

equipment, wires or cables. If such expenses are paid to a municipal officer, the payment shall be deposited with the City Treasurer and credited to the proper funds. (Comp. Ords. 1987, § 22.208)

Section 3. Amendment of Section 74-143. That Section 74-143, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-143. Removal or Trimming of Trees.

If it is found that moving any building will result in contact with any trees located in a public place to such an extent as to require the trimming or removal of those trees, then the applicant for such permit shall arrange with the Department of Public Works for such trimming and removal, and shall pay all costs of such trimming or removal and replacement.

(Comp. Ords. 1987, § 22.209)

Section 4. Addition of Section 74-144. That the following Section 74-144, Article 5 of Chapter 74 shall be added to the Code of Ordinances of the City of Kentwood to read in its entirety as follows:

Sec.74-144. Indemnity for Injury.

As an express condition for the issuance of a permit under this Article, an applicant shall agree to indemnify and hold harmless the City, its officers, employees and agents from any and all the claims or liabilities arising out of or by reason of the carrying on of the activity of the applicant involved with moving a building as herein authorized. The applicant shall further indemnify the City for all loss, injury or damage to any tree, pavement, street, sewer, watermain, sidewalk, awning, wire, fire alarm, telephone or other pole or wires and cables or any other property of the City of any nature whatsoever, which loss, injury or damage arises out of or by reason of the carrying on of the activity involved with moving a building as herein provided. For purposes of indemnifying and reimbursing the City as herein provided, the insurance policy as hereinafter required shall provide for insurance against injuries or damage to the City's property, such insurance to be in the nature of contractual liability insurance and shall insure the applicant and the City against the liabilities which this section requires the applicant to indemnify the City against.

Secs. 74-145--74-160. Reserved.

Section 5. Amendment of Section 74-161. That Section 74-161, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-161. Required.

No person shall move any building without a permit issued by the City in accordance with the terms of this Article.

(Comp. Ords. 1987, § 22.204)

Section 6. Amendment of Section 74-162. That Section 74-162, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-162. Applications.

To obtain a permit as required by this division, an application shall be filed with the City Engineer, in which application, the following information shall be given:

- (1) Name and address of the licensee proposing to move such building or structure;
- (2) A photograph and description of the building to be moved;
- (3) Present location and proposed new location, with a scale plan thereof;
- (4) Scale drawing of any proposed changes of the building;
- (5) Zoning district with area and yard requirements of the new location;
- (6) Route over which it is proposed to move the building or structure;
- (7) Estimated time required to move the building or structure;
- (8) Documents evidencing that satisfactory arrangements have been made for the temporary removal of all electrical wires, cables or other encumbrances, if any, including those addressed in Section 74-142.
- (9) Documents evidencing that general liability insurance in an aggregate amount of not less than \$2,000,000.00, to cover all activities authorized by the permit, has been obtained. The insurance policy shall meet all obligations set forth in Section 74-144, The insurance policy and certificate shall be subject to the prior review and approval of the City Attorney.

(Comp. Ords. 1987, § 22.204)

Section 7. Amendment of Section 74-163. That Section 74-163, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-163. Route Approval.

No permit to move any building shall be issued by the City Engineer until approval of the proposed route has been secured in writing from the Chief of Police and Fire Chief. The approval shall be given only upon a showing that public safety will not be endangered. If it is determined that a different route would be more advantageous to public safety, the City Engineer shall require such changed route as a condition to issuance of the permit.

(Comp. Ords. 1987, § 22.205)

Section 8. Amendment of Section 74-164. That Section 74-164, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-164. Fee, Guarantee and Term.

Before the permit is issued by the City Engineer, the licensee shall deposit with the City Treasurer, in addition to all other fees, a fee in an amount established by resolution of the City Commission, as payment for a house moving permit and place in escrow with the City Treasurer an amount sufficient to cover all costs anticipated to be incurred by the City in providing assistance in the moving process. No permit shall be issued under this division, except to a licensed building mover, or his authorized agent or employee. Any permit issued under this division shall terminate after 90 days from the date of issuance.

(Comp. Ords. 1987, § 22.206)

Section 9. Amendment of Section 74-165. That Section 74-165, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-165. Owner's Bond; Period of Time for Completion of Work.

The owner of a building for which a permit is issued under this division shall deposit with the City Treasurer a performance bond in an amount determined by the City, which shall be conditional upon payment to the City of all costs and expenses (including attorney fees) incurred by the City related to the building being moved, the diligent completion of all work, repairs, rejuvenation, structural changes or other activity necessary to place the building in its final state, fully conditioned for its new use or occupancy in full accordance with the requirements of the City building code, and rules and regulations of the City or prosecuting compliance with these requirements. Such work shall be completed within a period of time not to exceed 90 days, provided that, upon application, the City Engineer may extend the time by one additional 30-day period.

(Comp. Ords. 1987, § 22.211)

Section 10. Amendment of Section 74-166. That Section 74-166, Article 5 of Chapter 74 of the Code of Ordinances of the City of Kentwood is amended to read in its entirety as follows:

Sec. 74-166. Certificate of Approval.

(a) No permit shall be issued until the City Engineer and the City Planner shall certify that the building architecturally and structurally conforms with any buildings within 300 feet of the location to which the building is to be moved. In making such

determination, the City Engineer and City Planner shall determine that the following conditions concerning the building are met:

- (1) It is structurally sound;
- (2) It conforms to the standards of the City building code;
- (3) It will conform to all of the requirements of the City zoning ordinance (see appendix A of this Code) when placed on its new foundation;
- (4) It architecturally conforms with the buildings within 300 feet of the location to which the building is to be moved taking into account the size, shape, architectural and structural design, and exterior appearance of the building as compared to the buildings within 300 feet of the site.

(Comp. Ords. 1987, § 22.210)

Secs. 74-167--74-200. Reserved.

Section 11. Effective Date. This Ordinance shall take effect ten (10) days after its publication.

The foregoing Ordinance was offered by Commissioner Cummings, supported by Commissioner Coughlin, the vote being as follows:

YEAS: Commissioners: Clanton, Coughlin, Cummings and Mayor Root.

ABSTAIN: None.

ABSENT: Commissioners: Brinks, Brown and McGookey

Dan Kasunic
City Clerk

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Kentwood City Commission held on April 5, 2005.

Dan Kasunic
City Clerk