

ORDINANCE NO. 165 B

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING ORDINANCE NUMBER 165A ARTICLE IX BUILDING MOVING PERMITS; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Manor, Texas has deliberated and considered the impact of buildings being brought into the City to be refurbished and revitalized;

Whereas, older homes requiring reconstruction and revitalization have been brought into cities but the necessary reconstruction and revitalization may not be completed to bring such building to code causing a dangerous or unsafe building to become an issue of public concern; and

Whereas, the public health, safety and welfare will be served by not permitting constructed, site built homes to be brought into the City after being constructed and occupied on a site outside the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Ordinance 165A. The City Council hereby amends Article IX "Moving Permits" of Ordinance 165A, as amended, in its entirety to read as follows:

ARTICLE IX. BUILDING MOVING PERMITS

Section 401. Procedure, Route Permit, Time, Etc. No buildings having been constructed and previously occupied outside the City limits may be moved into the City for use or occupancy save and except manufactured homes or industrialized homes having all appropriate inspection and meeting all ordinances applicable to location of such building within the City limits. The Building Official, for buildings authorized to be moved in or being moved out, shall immediately notify the Chief of Police stating the proposed route, when moving of such building will begin and end, and the number of days the move is expected to take. Home movers of manufactured homes or industrial homes holding a permit to move from the state shall be exempt herefrom provided the move is in strict compliance with the permit.

(a) The Chief of Police shall have authority to establish and direct, as a condition to the issuance of the permit, the time when the house moving shall start and the time when it shall be completed, the routes over which buildings of specified dimensions may be moved, and such other regulations and conditions which he may deem necessary. Deviation therefrom shall constitute an offense.

(b) The maximum time during which a house may remain in a street, under a permit, shall be forty-eight (48) hours.

(c) During the entire time that the building is occupying the street, or any portion thereof, the mover shall keep it continuously in motion toward its destination and shall not allow the work or moving to stop during such time.

Section 402. Moving Permit Applications. To obtain a moving permit to move a building into, out of or through the city, the applicant must first file an application therefore in writing. Each such application shall be accompanied by the required fee and shall contain:

- (a) The name of the person, firm, partnership or corporation who will move the building;
- (b) The name of the owner of the building;
- (c) The present location of the building;
- (d) The proposed new location of the building;
- (e) The route of moving, as approved by the Chief of Police;
- (f) The exact date and time during which the building will occupy the street;
- (g) The time that the building is allowed to remain in the street;
- (h) The size and type of construction of the building;
- (i) Evidence that arrangements have been made with utility companies and/or the City, where necessary to prevent damage thereto;
- (j) The receipt of the permit fee;
- (k) The business address and home address of the applicant;
- (l) Proof of corporate surety bond and of liability insurance with an insurance company authorized to do an insurance business in the State of Texas, as provided herein to protect the public and the City from any damage caused by the applicant in moving the building for which the permit is requested;
- (m) Such other information as may be required by the Building Official.

Section 403. Prohibitions. (a) It shall be unlawful for the holder of the permit to disconnect any electrical light and power connection, gas connection, water connection or telephone connection from any building within the City which he or she proposed to move without the consent of the public utility owning such connection.

(b) It shall be unlawful for the holder of the permit to remove, tear down or destroy any pole or wire or other property belonging to the city or to any utility company furnishing gas, electrical light and power or belonging to any telephone or telegraph company without the consent of such utility or other person owning the same.

(c) It shall be unlawful for the holder of the permit to remove any vegetation on private or public property without the consent of the person owning same.

Section 404. Inspections Upon Completion. (a) *Notification of Building Official.* Whenever the holder of a permit has completed the work of moving a building under a permit or has moved a manufactured home or industrialized home under a state permit, [s]he shall promptly notify the Building Official of such fact. The Building Official shall cause an inspection to be made of the route of moving and the installation of the building.

(b) *Damage.* If the holder of the permit has caused damage to the streets, curbs, gutters, sidewalks or other public or private property, the holder of the permit shall be notified of such fact, specifying the damage by mailing to him a written notification by certified mail at either the business or home address listed in the application for the permit. The holder of the permit shall proceed within two (2) days from the date of such notification to begin the work of repairing the damage and completing the same to the satisfaction of the City.

(c) *Written assurance.* When the building moving operation is completed and the Building Official has written assurance that no damage to life or property has occurred or that the damage has been repaired and that all claims arising out of any damage are settled, any required deposit or bond shall be reimbursed, released or returned to the applicant.

Section 405. Bond and Indemnification. Before a permit is issued, the applicant shall agree to indemnify the City for any damage that may thereafter occur to public or private property within the City of reason of the applicant's intended move, and shall file with the City a bond and Certificate of Insurance as may be required by the Building Official.

Section 3. Amendment Of Ordinances. Ordinance number 165A Article IX is hereby amended in its entirety and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. Savings Clause. All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances affecting building construction, building codes, fire codes, plumbing codes, mechanical codes, electrical codes and all other codes affected hereby including permit issuance, or contractor registration within the City 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, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

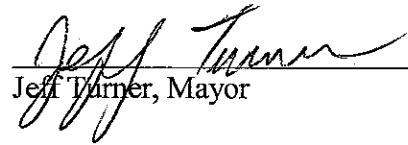
PASSED AND APPROVED on the 21st day of September, 2005.

ATTEST:

THE CITY OF MANOR, TEXAS



Phil Tate, City Secretary



Jeff Turner, Mayor