

ORDINANCE NO. A-581

AN ORDINANCE REGULATING THE MOVING OF BUILDINGS INTO AND
WITHIN THE CITY OF CONWAY.

SECTION I. Moving of Buildings.

SECTION I-1. Permit Required.

It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any building in the City of Conway from one place to another upon the same lot, or from without the City of Conway into the City of Conway, without first securing a permit to do so from the City Council of the City of Conway,

SECTION 1-2. Applications.

All applications for a relocation permit to move any building shall be made in writing to the Planning Commission of the City of Conway on a form furnished by said Commission, and shall contain the following information:

- (a) Description of type of building to be moved.
- (b) Present location of building.
- (c) Proposed location of building.
- (d) Present and future use of the building.
- (e) Route over which said building is to be moved and method to be used in moving said building.
- (f) 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.

- (g) A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.
- (h) Such other information as may reasonably be required in order to carry out the purposes of this Section.

SECTION I-3. Fees.

Before any ,applicationfor a relocation permit is accepted, an application fee shall be paid by the applicant to the Building Inspector to cover the cost of investigation and inspection. The application fee shall be twenty-five dollars (\$25) for any building located within the City of Conway. For **any** building located outside the City of Conway, the application fee shall be twenty-five dollars (\$25) plus one dollar (\$1) for each mile, or fraction thereof, ~~when~~ the building to be moved is located beyond the city limits of the City of Conway. This application fee shall be in addition to all other fees required **by** the City Code of the City of Conway,

Upon acceptance of **any** application for a relocation 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.

SECTION I-4. Notice of Hearing.

The Planning Commission shall cause to be posted, seven days prior to the date on which application for a permit is to be heard, a notice in a conspicuous place upon **the** property to which said building is to be moved, which said notice shall contain the following:

- (a) The date on which the Planning Commission of Conway shall hold a hearing on the application for a permit to move a building.
- (b) Description of type of building to be moved.
- (c) Present location of building.
- (d) Proposed location of building.

SECTION I-5, 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 Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of Conway shall forward to the City Council of the City of Conway the original application, and the Planning Commission's findings recommending the approval or disapproval of the application. The hearing on 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 Conway 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.

SECTION I-6, Permits-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 or 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 building 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 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 Conway.

SECTION I-7, Removal-Clean Up.

When a building or structure is moved from any property located in the City to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber, and other debris remaining from the removal of the building and all basements, cellars, and other excavations shall be filled. Such work shall be performed by the person moving such building or structure.

SECTION I-8, 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.

SECTION I-9, Bond-Completion,

No relocation permit required by this section shall be issued by the **City** Council unless the applicant therefor shall first post with the City of Conway a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company authorized to do business **in** the state, as surety. The bond shall be in form joint and several, shall name the City **as** obligee and shall be in **an** amount equal to the cost plus ten percent of the work required to be done in order to comply with all the conditions of such relocation permit and any other Ordinance, rules or regulations of the City of Conway, as such cost is estimated by the Building Inspector of the City

of Conway. In lieu of a surety bond the applicant may post a bond executed by the owner, as principal, and which is secured by a deposit in cash in the amount named above **and** conditioned as required in the case of a surety bond; such a bond as **so** secured is hereafter called a "cash bond" for the purpose of this section.

SECTION 1-10. Bond-Damage to Streets or Property.

In granting any permit, the Council may in its discretion require applicant to give a separate and additional bond to the City of Conway in an amount to be fixed by said Council to insure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building.

SECTION I-11. Repeal of Conflicting Ordinances,,

Any ordinance now in effect that conflicts with any provisions of this ordinance is hereby repealed, held to be invalid and to no effect.

SECTION I-12. Emergency Clause.

Whereas an emergency exists for the immediate taking effect of this ordinance, therefore, the same shall be in full force and effect from and after its passage.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Conway, State of Arkansas, held on the 12 day of March, 1974, and duly passed and adopted at a regular meeting held on the 12 day of March, 1974.

Approved _____
Mayor

Attest: Chris Damm
Clerk. Treasurer