

## ARTICLE 2

### MOVING STRUCTURES

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## ARTICLE 2

### MOVING STRUCTURES

SEC. 9-2.00 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

SEC. 9-2.01 STRUCTURE. Structure means any building, shed, house, or dwelling, or any stationary object constructed of building materials, erected for or usable for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind.

SEC. 9-2.20 MOVING STRUCTURES. PERMIT REQUIRED. It shall be unlawful for any person to move, or cause to be moved any structure in or through the City of Hayward without first having obtained a permit therefor, and each structure so moved shall require a separate permit.

SEC. 9-2.30 APPLICATION FOR PERMIT. Every application for such permit shall be made by the owner of said structure or by the mover on behalf of said owner, and shall be filed with the Building Official on forms provided for said purpose and shall specify the size and character of the structure to be moved, the place from which and the place to which said structure is to be moved, the name of mover, the method of such moving, and the proposed route to be followed.

Applications involving structures proposed to be located in the City shall be accompanied by the following additional information.

- (1) Three photographs at least 5 x 7 inches in size showing clearly and distinctly the front, rear and one side of said structure;
- (2) Three copies of plans indicating the type of work proposed to complete the alteration and reconstruction of the structure at the proposed new location;
- (3) Three copies of a map or plat of the lot on which it is proposed to place such structure, which map shall show all dimensions of such lot together with the location of all improvements presently located thereon,
- (4) A statement of the replacement cost of such structure at the time of removal;
- (5) Such other information as the Building Official may reasonably require.

SEC. 9-2.35 INSPECTION AND APPLICATION FEES. CASH DEPOSIT AND OTHER FEES. At the time of filing an application for a permit involving a structure proposed to be located in the City, an inspection fee, no part of which shall be refundable, shall be paid to the Building Official in the amount established by resolution of the City Council.

At the time of filing an application for a permit involving a structure proposed to be moved through or out of the City of Hayward an application fee, no part of which shall be refundable, shall be paid to the Building Official in the amount established by resolution of the City Council.

In addition, the owner of the structure, or the mover on behalf of the owner, shall deposit with the Building Official in cash the sum established by resolution of the City Council as a guarantee against damage to public property during movement of the structure and as security for compliance with the requirements of this Article, and an additional deposit in an amount to be determined by the Building Official shall be made to cover the cost of City personnel assisting in the move.

The fees required by this section are in addition to any other fees required by reason of building or other permits.

SEC. 9-2.36 DISCONNECTED SANITARY SEWERS. Where structures to be moved are located in the City of Hayward, all sanitary sewers to be disconnected therefrom shall be sealed in a permanent manner by the City of Hayward. A fee in the amount established by resolution of the City Council, to cover the cost of sealing each such sewer, shall be paid at the time the moving permit is issued by the Building Official.

SEC. 9-2.40 APPROVAL OF PLANNING DIRECTOR PRIOR TO ISSUANCE OF PERMIT. Prior to the issuance of a permit involving structures to be located in the City, the Building Official shall secure the written approval of the Planning Director.

No permit shall be approved to move any structure which is so constructed or in such condition as to be dangerous, or which is infested with pests or 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 damage to or be materially detrimental to the property or improvements in the district within the immediate vicinity of the proposed new location, or which is in violation of zoning or building laws of this City; provided, however, that if the condition of the structure, in the judgment of the Building Official admits of practicable and effective repair, the permit may be approved upon condition as hereinafter provided.

The Planning Director may, in approving a permit, impose thereon such terms and conditions as he may deem reasonable and proper, including, but not limited to, the requirement of changes, alterations, or additions to be made to or upon the structure, to the end that 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 to which it is to be moved.

The terms and conditions upon which each permit is approved shall be written upon the permit or appended in writing thereto by the Building Official.

In making his determination, the Planning Director shall consider but not be limited to the following factors:

- (1) That the structure and its proposed use comply in all respects with the zoning laws of this City;
- (2) That the structure shall not be older than the majority of the structures in the immediate neighborhood to which such structure is to be moved, and shall not be in a dilapidated, obsolete or deteriorated condition which in any manner may result or tend to lessen the economic values of other properties or be detrimental to the neighborhood in which such structure is to be moved.

- (3) That the structure must be generally similar in type to structures in the general area to which it is to be moved.

SEC. 9-2.45 APPEAL OF ACTION BY PLANNING DIRECTOR. The Planning Director within three (3) days of action taken shall give notice of said action to the applicant, and in the event of approval, shall cause additional notice to be posted on the front and the rear of the proposed location to which the structure is desired to be moved. Such additional notice shall bear a title in letters not less than one inch (1") in height, of the words, "MOVING NOTICE", and contain the location of the structure by street and number, the name and address of the applicant desiring a permit, the character of the structure to be moved, and the time within which any person interested in property in the immediate neighborhood may appeal such action taken by the Planning Director.

Any person aggrieved by the action taken by the Planning Director may appeal in writing to the City Council within ten (10) days after action taken by the Planning Director. Such appeal shall stay all proceedings in furtherance of the action appealed. The City Clerk on behalf of the City Council shall cause notice of the time and place such appeal will be considered by it by giving notice to the applicant and the appellant by mail, and by posting the front and rear of the proposed location not less than five (5) days prior to the date for said consideration.

Upon completion of its consideration, the City Council may approve, modify or reject, wholly or partly, the determination of the Planning Director and may make such decision or determination as the facts warrant, and its determination shall be final. The terms and conditions upon which Council approves each permit shall be written upon the permit or appended in writing thereto by the Building Official.

SEC. 9-2.46 APPEAL FEE. An appeal to the City Council from the action taken by the Planning Director shall be accompanied by a fee of Seven Dollars and Fifty Cents (\$7.50), no part of which is refundable.

SEC. 9-2.50 APPLICATION. REVIEW BY SUPERINTENDENT OF STREETS. Prior to the issuance of a permit, the Building Official shall refer the application to the Superintendent of Streets for review of the proposed route to be used.

The Superintendent of Streets, with the approval of the Chief of Police, shall designate the streets over and along which the structures shall be moved, and the precautions required for the protection of persons and property enroute.

SEC. 9-2.60 MOVING STRUCTURES. COMPLETION BOND. Prior to the issuance of a permit to move a structure to a new location within the City, the owner or lessee of the property on which the structure is to be located shall file with the Building Official a surety company bond executed by such owner or lessee as principal and conditioned as follows:

That all of the work required to be done to complete the removal, relocation, alterations and reconstruction of the structure pursuant to the conditions of the said permit shall be fully performed and completed within a reasonable time to be specified by the Building Official in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done and shall name the City of Hayward as obligee.

In lieu of such surety bond the owner or lessee may post a bond executed by him as principal and secured by a deposit of cash in the amount of said bond.

An extension of time for said completion may be granted in writing by the Building

Official when, in his discretion, circumstances shall so justify, but no such extension shall release any surety. Said bond shall be in addition to the cash deposit required by Section 9-2.35 of this Article.

SEC. 9-2.65 SITE CLEARANCE. After removal of any structure from property within the City of Hayward, the permittee shall fill with dirt, sand or small rock, all openings and excavations on the property, including cesspools and septic tanks. The permittee shall remove from said property all refuse, debris, old foundations, walls, slabs, waste material and other impedimenta.

Within ten (10) days after such removal, a letter shall be filed by the permittee with the Building Official certifying compliance with the requirements of this Section.

SEC. 9-2.70 REFUND OF CASH DEPOSITS. The cash deposits required by Section 9-2.35 hereof shall be refunded to applicant where no damage to public property has occurred, where applicable the site from which the structure was moved has been cleared as required by Section 9-2.65 hereof, or when no City personnel have assisted in the move.

If damage to public property has occurred, or where the site from which the structure was moved has not been cleared as required herein, or if City personnel have assisted in the move, the cost of such repair or site clearance or time and material charges shall be deducted from the cash deposits and the balance thereof shall be refunded to the applicant.