

ORDINANCE NO. 306

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROHIBITING THE MOVING OF ANY BUILDING OR OTHER STRUCTURE WITHOUT A LICENSE AND WITHOUT BOND; REQUIRING PERMITS; REQUIRING INSPECTIONS; ESTABLISHING INSPECTION FEES; PRESCRIBING DUTIES OF THE BUILDING INSPECTOR; REQUIRING AND ESTABLISHING PERMIT FEES; EXEMPTING CHURCHES AND SCHOOLS; PROVIDING FOR ADDITIONAL BUILDING REQUIREMENTS; REQUIRING POLICE ESCORTS; ESTABLISHING PUBLIC SAFETY REQUIREMENTS; REQUIRING COMPLIANCE WITH CITY CODES; PROHIBITING THE MOVING OF ANY SUCH BUILDING WITHOUT PROPER CLEARANCE; REQUIRING A CLEAN-UP OF ANY PREMISES FROM WHICH A BUILDING SHALL HAVE BEEN MOVED; REGULATING THE MOVING OF HEAVY EQUIPMENT; PROHIBITING ANY BUILDING FROM REMAINING OR STANDING ON PUBLIC STREETS OR PROPERTY FOR MORE THAN FORTY-EIGHT HOURS, EXCEPT IN CASE OF AN EMERGENCY; PROVIDING FOR A FEE OF \$35.00 WHEN SUCH BUILDING SHALL REMAIN IN CASE OF EMERGENCY ON PUBLIC STREETS OR PROPERTY IN EXCESS OF FORTY-EIGHT HOURS; MAKING IT AN OFFENSE FOR ANY PERSON TO OCCUPY A BUILDING OR OTHER STRUCTURE WITHOUT SANITARY SEWER OR WATER CONNECTIONS; PROVIDING FOR THE REVOCATION AND SUSPENSION OF PERMITS; MAKING IT AN OFFENSE FOR ANY PERSON TO MOVE A BUILDING OR OTHER STRUCTURE IN THE CITY OF MESQUITE WITHOUT COMPLYING WITH THE TERMS OF THIS ORDINANCE; MAKING IT ILLEGAL FOR ANY PERSON TO OCCUPY ANY BUILDING OR OTHER STRUCTURE IN VIOLATION OF THIS ORDINANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$200.00 FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

Section 1: LICENSE AND BOND. No person, firm or corporation except a licensed house mover, shall move any building or structure over, across, along or through any sidewalk, street, alley or highway, public way or public place within the corporate limits of the City of Mesquite except as hereinafter specifically provided in this ordinance, and every such person, firm or corporation before engaging in such moving, shall have made application to the Building Inspector for a license and such license shall have been approved and issued for the current year. The fee for such license shall be Twenty-Five (\$25.00) Dollars per annum payable on the first day of January of each year. Original license obtained after the first day of January shall be prorated to the nearest month. Before such license is issued, the applicant shall file with the City Secretary a Surety Bond with form approved by the City of Mesquite in the sum of not less than Five Thousand Dollars (\$5,000.00) saving and keeping the City of Mesquite harmless from any and all costs, damages and suits that it may incur or become liable on, in consequence of any injury to any person or private property in any manner occasioned

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in or about the moving of buildings or structures, and to pay for any and all damages to public property that may arise from the use of any of its streets, alleys, boulevards or other public places in the moving of buildings or structures and such bond shall contain a provision for a ten-day written notice to the City of cancellation by the Surety; and provided, further, that the applicant shall also file with the City Secretary a public liability and property damage insurance policy certificate naming the applicant as the assured and providing for the payment of any liability imposed by law upon such applicant to the extent of Five Thousand Dollars (\$5,000.00) each person for bodily injury liability and Ten Thousand Dollars (\$10,000.00) for bodily injury liability each accident and Five Thousand Dollars (\$5,000.00) each accident property damage liability.

Upon execution of said bond and certificates and their approval by the City of Mesquite, the Building Inspector shall inspect, or cause to be inspected, the equipment and facilities to be used by the House Mover and shall determine that the size, design, safety features and equipment of the vehicle and appurtenances are such that their operation on public property shall not cause damage to the pavement or other public improvements and that the knowledge and experience of the operators is such that the operation of such equipment shall not create a hazard or inconvenience the public and upon approval of such equipment and facilities and the payment of the license fee, the license shall be issued to the person, firm, or corporation applying therefor as a licensed house mover. The license and policies shall run concurrently with the Bond, and all such licenses shall expire on the thirty-first day of December next following. It shall be unlawful for any person, firm, or corporation to lend, rent, or transfer his license or any rights therein contained to any person, firm, or corporation or for any person to make use of any such rights which are not actually his own. Housemoving sub-contractors shall be licensed and bonded as herein provided. No person, firm or corporation holding a housemoving license shall allow his, her or their names to be used by any person directly or indirectly to obtain a housemoving permit or permits, except as provided herein.

Nothing herein contained shall require a license for the movement of super-heavy or over-sized equipment for the transportation of commodities over any State or Federal highway within the City limits of the City of Mesquite when such movement is with a valid permit from the State Highway Department as required by the Texas Revised Civil Statutes, Article 6701A, and when evidence of such permit is presented to the Building Inspector.

Section 2. PERMIT. No building or part of any building shall be moved over, across, along or through any sidewalk, street, alley or highway, or public way or place within the Corporate Limits without first obtaining a permit, as is provided herein.

Section 3. APPLICATIONS. Any person desiring to move a building shall first file with the Building Inspector a written application setting forth the following information:

- (a) Type and kind of building to be moved.
- (b) The original cost of such building.
- (c) The extreme dimensions of the length, height and width of the building.
- (d) Its present location and proposed new location by lot, block, subdivision and street numbers.
- (e) The approximate time such building will be upon the streets, and the contemplated route that will be taken from present to new location.
- (f) And such other information as may be required by the Building Inspector.

Before such application for permit is made, the house mover shall make arrangements with the public utilities, railroads, and other persons, firms or corporations whose facilities are involved in such movement, for the removal, relocation and replacement of wires, poles, or other improvements, to enable the building or structure to be moved with proper clearance as provided in Section 13.

The application and other information furnished by the applicant shall be examined and the building or structure sought to be moved inspected, as provided in Section 4 herein, by the Building Inspector, and, if found to be in conformity with the requirements of this code and with all other laws and ordinances applicable thereto, the Building Inspector shall issue a permit upon receipt of the required fees, as provided herein.

Upon the issuance of said permit, the Building Inspector shall cause notice to be given to the Police and Fire Department, and the house mover shall notify the railroads and any others who may be affected by the temporary obstruction of the street and/or right-of-way.

Nothing herein contained shall require the securing of a permit from the City of Mesquite or the payment of a fee to the City

of Mesquite for the movement of super-heavy or over-sized equipment for the transportation of commodities over any State or Federal highway within the City Limits of the City of Mesquite when such movement is with a valid permit from the State Highway Department as required by the Texas Revised Civil Statutes, Article 6701A, and when evidence of such permit is presented to the Building Inspector.

Section 4. INSPECTION REQUIRED. Prior to issuing a permit the Building Inspector or someone under his direction shall make a personal inspection of the building or structure sought to be moved. Such inspection shall be for the purpose of determining whether the building may be moved under the provisions of this ordinance.

Section 5. INSPECTION FEE. In all cases wherein any person desiring to move a building from outside of the Corporate Limits of the City of Mesquite to some point inside such Corporate Limits, in addition to other bonds and fees required, it shall also be necessary that such person pay an inspection fee of \$25.00 if the building to be moved is located within ten (10) miles from the Corporate Limits of the City of Mesquite. If the building is located more than ten (10) miles from the Corporate Limits of the City of Mesquite, the person shall pay a fee of \$25.00, plus 10¢ per mile for a distance which exceeds ten (10) miles. Any person desiring to move a building from one place in the City of Mesquite to another place in the City of Mesquite shall first pay to the City an inspection fee of Ten Dollars (\$10.00), in addition to all fees, bonds and costs provided under the provisions of this code. This fee is levied to cover the cost of inspecting the building prior to its being moved into the City of Mesquite.

In the event the fee provided for herein has been paid and inspection reveals said building does not comply with the requirements of the ordinances of the City of Mesquite and may not be brought into or through the City, no refund shall be made of above inspection fees but the entire amount shall be retained by the City to cover the costs of inspection.

Section 6. BUILDING INSPECTOR SHALL REJECT WHEN. If, in the opinion of the Building Inspector, the moving of any building will cause injury to persons or property or damage to the streets or other public improvements, the permit shall not be issued and the building shall not be moved over the streets of the City. If, in the opinion of the Building Inspector, the building to be moved has deteriorated more than fifty per cent of its original value by virtue of fire or by virtue of age or normal wear and tear or other element, or if the moving of the building will violate any of the requirements of this or other applicable regulations of the City, the permit shall

not be issued and the building shall not be moved over the streets of the City of Mesquite, except that a permit shall be issued on any such building being moved outside the Corporate Limits of the City or through the Corporate Limits from one point outside the Corporate Limits to another point outside the Corporate Limits.

Section 7. SCHEDULE OF PERMIT FEES. Should such inspection as provided for in Section 4 of this ordinance reveal that any such residence or other building or structure fully complies with the requirements of this and other applicable ordinances of the City of Mesquite, then a permit must be obtained authorizing such building to be brought into the City of Mesquite. For such permit, in addition to all other inspection fees, bonds and costs required under the provisions of this ordinance, the applicant shall pay one of the following permit fees:

- (1) For the moving of any building or any structure from one point outside the Corporate Limits of the City of Mesquite to another point outside the Corporate Limits of the City of Mesquite, but which must pass through a part of the City of Mesquite.....\$ 10.00
- (2) For the moving of any building or any structure from one point inside the City Limits to a point outside the City Limits.....\$ 10.00
- (3) For the moving of a building or any structure from one part of the City of Mesquite to another part of the City of Mesquite.....\$ 25.00
- (4) For the moving of a building or any structure inside the Corporate Limits of the City from outside the Corporate Limits of the City of Mesquite.....\$ 25.00

The moving fees set forth above shall not apply to buildings and structures not in excess of 600 square feet of floor space, and upon all buildings of smaller size than 600 square feet, and the fee shall be \$10.00 in such cases.

Section 8. EXEMPTION. The Mesquite Independent School District and all churches in the City of Mesquite shall be exempt from any and all inspection and moving fees. However, such exemption does not relieve such School District and churches from posting the necessary bond and taking out the necessary permits to do such moving, nor shall such exclusion be construed as allowing to be moved any building precluded by this ordinance.

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Section 9. ADDITIONAL BUILDING REQUIREMENTS. In addition to all other requirements of the building code or building ordinances, all buildings moved to any place within the City of Mesquite shall be completely painted on the outside surfaces and adequate window screens and screen doors shall be attached to such building. However, the painting requirements herein shall be waived if the building, when located, is veneered with brick or other building stone or is covered with asbestos or other finished siding and all trim has been painted. Such painting or veneering shall be done within a reasonable time after moving the building.

Section 10. ESCORT. No person, firm or corporation shall move any building or structure across or along any street, public way or public place within the City of Mesquite unless accompanied or escorted by a police officer designated by the Chief of Police.

Section 11. PUBLIC SAFETY REQUIREMENTS.

(a) Lights required.

Every building which occupies any portion of public property after sundown, shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

(b) Number and Location.

There shall be a minimum of five red lights placed on each street side of the building; such red lights shall be attached to the building in such a fashion as to indicate extreme width, height and size.

(c) Flares required.

There shall be placed, in addition to the red lights on the building, flares at regular intervals for a distance of two hundred feet up the street on each side of the building.

(d) Flagmen required.

When more than fifty per cent of the street, measured between curbs, is occupied at night by the building, or when in the opinion of the Building Inspector, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall

employ at their expense, two flagmen, one at each street intersection beyond the building; such flagmen shall remain at these intersections, diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

Section 12. COMPLIANCE WITH CODES. Any residence or other building brought into the City of Mesquite shall comply with all of the requirements of the Electrical Code, Plumbing Code, Building Code and Zoning Ordinances of this City and it shall be illegal and an offense to bring into the City of Mesquite any building which does not comply with the requirements of the said Electrical Code, Plumbing Code, Building Code and Zoning Ordinances.

Section 13. CLEARANCE. It shall be unlawful to operate or attempt to operate any vehicle over, along, or across any street, public way or public place unless the length, width and height of such vehicle, including the load, is less than the clearance of any structure, facility, appurtenance, power or communication line, warning, instructive or protective device, mail box or other improvement on public property, the location and condition of which complies with all legal requirements of State statutes or City ordinances. No house mover shall cut or handle power or communication lines.

Section 14. CLEAN-UP. Whenever a building or structure is removed, the premises shall be left free from unsafe, unsanitary or hazardous condition, including the cleaning up of the lot, restoration of the established grade, and the erection of any necessary wall or fence.

Section 15. MOVING OF HEAVY EQUIPMENT. No heavy, motor-driven equipment or machinery, drag line, shovel, tractor with lugs, or similar device shall be operated under its own power over the streets of the City of Mesquite but shall be transported on trailer, truck or other vehicle equipped with rubber tires on the route specified by the Building Inspector.

Section 16. EMERGENCY. No building or other structure for which a permit has been granted shall be allowed to remain, park, or stand upon the public streets or other public property except in cases of emergency, in which event the building or other structure must be removed from the public streets or other public property within forty-eight (48) hours after the emergency has arisen. In such cases, there shall be paid to the City of Mesquite a fee of Thirty-Five Dollars (\$35.00) for each day that such building or

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other structure remains upon public streets or other public property within the corporate limits of the City of Mesquite.

Section 17. DEFINITION. Wherever the office of Building Inspector is used in this ordinance it shall mean the Building Inspector or such other person as the City Manager may designate.

Section 18. SEWER AND WATER CONNECTIONS. After any residence or other building has been moved into the City of Mesquite, it shall be illegal and an offense for any person to occupy said residence or other building until said building has been connected to the sanitary sewer and water systems of the City of Mesquite or to a septic tank approved by the City of Mesquite.

Section 19. It shall be illegal and an offense for any person to move into the City of Mesquite any residence or other building that does not comply with the requirements of this ordinance and without having paid the fees and obtained the permit provided for herein.

Section 20. It shall be illegal and an offense for any persons to occupy a residence or building which has been moved into the City of Mesquite in violation of any of the requirements or provisions of this ordinance.

Section 21. It shall be illegal and an offense for the owner of any building or residence which has been moved into the City of Mesquite in violation of the provisions of this ordinance to permit said building to be occupied.

Section 22. In addition to any other penalties herein provided for, should any person, firm or corporation violate any of the provisions of this ordinance the City Manager, or such other person as he may designate, shall either revoke or suspend the license issued to such person, firm or corporation for such length of time as he in his discretion shall deem necessary, and his decision shall be final. Notification of such revocation or suspension shall be given in writing by the City Manager to the person holding the license.

Section 23. Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in Corporation Court shall be subject to a fine not to exceed \$200.00 and each and every day such violation continues shall constitute a separate offense.



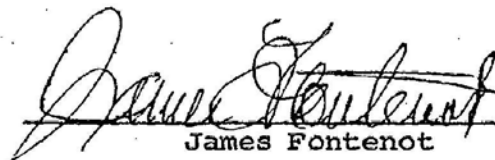
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Section 24. If any word, phrase, sentence, paragraph or section of this ordinance shall be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

WHEREAS, there is at the present time no ordinance of the City of Mesquite, Texas, regulating the moving of buildings or other structures in the City of Mesquite, which creates an urgency and an emergency, and in the interest of public health, safety and welfare, requires that this ordinance shall take effect immediately from and after its passage, as the law and Charter in such cases provides.

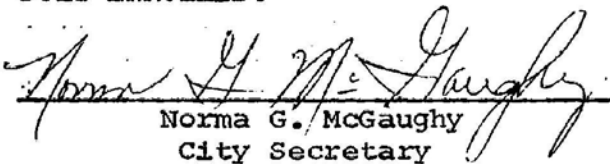
DULY PASSED on the 18th day of July, 1960.



James Fontenot

Mayor

DULY ENROLLED:

Norma G. McGaughy  
City Secretary