

DIVISION 18-III-2 PERMIT TO MOVE BUILDINGS INTO RESIDENTIAL DISTRICT

Section 18-56 Required

No person shall ~~have or cause to be moved~~ any ~~previously occupied or not newly constructed buildinghouse or structure~~, ~~except manufactured homes to be moved into a manufactured home park~~, into the residence districts of the city without first obtaining a permit as provided in this ~~D~~ivision. ~~Moving buildings over streets or alleys shall comply with Section 18-41 Special Requirements for Moving Buildings.~~

(Code 1976, § 4.06(1))

Section 18-57 Application and Fee

Any person desiring henceforth to move any ~~buildinghouse or structure~~ into the residence districts of the city shall make an application in writing for a ~~Moving into Residential District building~~ permit. ~~Such application shall be filed with the city engineer. If a building is to be used as a dwelling, an application shall be accompanied by a list of names and addresses of the owners of lands within 350 feet of the property described on the application as such information appears on the records of the county. The council may, by resolution, establish a fee for the filing of such application. The fee shall be paid before the application shall be considered and shall not be refundable.~~

(Code 1976, § 4.06(2))

Section 18-58 Certification By The Building Official

~~Upon such filing, the city engineer shall submit such application to the city building official.~~ It shall be the duty of the ~~such~~ building official to examine, ~~or cause to be examined by a qualified person~~, the ~~buildinghouse or structure~~ to be ~~so~~ moved ~~to determine that it is in a reasonably good state of repair and fit for moving and is reasonably susceptible to renovation, if needed, in conformity with this Code;~~ ~~the building official shall note all renovations necessary to conform with this Code.~~ If, after such examination, the building official is satisfied that such ~~buildinghouse or structure to be so moved~~ meets, ~~or will meet after noted renovations~~, all ~~applicable the~~ requirements of this Code, then such application shall be ~~so~~ certified. ~~If the building is not to be used as a dwelling, a permit to move into residential district shall be approved by the Zoning Administrator after such certification.~~

(Code 1976, § 4.06(3))

Section 18-59 Procedure for Buildings Used as Dwellings Approval By Council

After ~~such~~ certification ~~by the Building Official~~, ~~if the building is to be used as a dwelling~~, the application shall be ~~sent to the Planning Commission~~ ~~returned to the city engineer who shall present it to the city council at its next regular meeting.~~ If such house or structure is not newly constructed or has been occupied or used on the site on which located, and is to be used as a dwelling, the council shall hold a public hearing. The application shall be accompanied by a list of the names and addresses of the owners of the lands in such area within 200 feet of the property described in the application to which the house will be moved. ~~The Planning Commission may hold hearings on the proposal as it may consider necessary, but at least one public hearing shall be held pursuant to Minn. Stat. § 462.357, subd. 3. Following the hearing, the Planning Commission shall make a report upon the proposal to the council and shall recommend to the council whatever action it deems advisable.~~ Upon receipt of the certified application, the council shall set a time and place for a public hearing before the council. At least ten days before the date of the public hearing, a notice of the hearing shall be published once in the official newspaper, and a copy of such notice shall be mailed to each of the owners referred to in such list. The notice for public hearing shall state that the application to move the house has been filed, the legal description and address of the original location of the house or structure involved and the legal description and address of the location to which the applicant desires to move it, and the time and place

~~of the hearing on the application. At such hearing or any adjournment of the hearing, if the Planning Commission council finds that all of the provisions of this Code are complied with, or will be complied with after the renovations noted by the building official, and that the moving of the house will fit in to the locale to which it is being moved, the planning commission council shall recommend approve approval of the such application, and a building permit shall be issued to the applicant.~~

(Code 1976, § 4.06(4))

Section 18-60 City Council Actions Application Of This Code

~~Upon receipt of the report of the Planning Commission, the council may hold whatever hearings it deems advisable and shall make a decision on the request. The council may impose conditions and require guarantees in the granting of the request to ensure compliance and to protect adjacent properties. If planning commission meetings are cancelled due to lack of quorum and recommendations are not presented to the council within 30 days of the day of submitting application to the planning commission, the council may proceed without receiving a planning commission report; in this case, at least one public hearing still shall be held pursuant to Minn. Stat. § 462.357, subd. 3. No building permit shall be issued for the moving of any house or structure into the residence districts in violation of this Code. The application for such permit shall contain the legal description of the lots affected, the dimensions of such house or structure and its proposed location on such lots, together with such other and further information as may be necessary in order to enable the city building official and the council to determine whether such application is in conformity with this Code.~~

(Code 1976, § 4.06(5))

Section 18-61 Expiration Condition Of House Or Structure

~~Whenever within one year after granting a permit to move into residential area the work as permitted, including necessary renovations as noted by the building official, shall not have commenced, then the permit shall become null and void unless a request for extension of time in which to complete the work has been granted. The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration. There shall be no charge for the filing of the request. The request for extension shall state facts showing a good faith attempt to complete the work. Upon receipt of the extension request, the Zoning Administrator may grant an extension of up to one year. No such permit shall be issued unless such house or structure so proposed to be moved is in a reasonably good state of repair and fit for moving and is reasonably susceptible to renovation in conformity with this Code. It shall be the duty of the building official to examine such house or structure and certify to the council the fitness of such house or structure for moving and whether or not it is reasonably susceptible to renovation in conformity with this Code.~~

(Code 1976, § 4.06(6))

Section 18-62 Presumption

If a house or structure are to be moved, it shall be presumed that it may not be in a reasonably good state of repair and that it may not be reasonably susceptible to renovation in conformity with this Code, and therefore it may not be satisfactory for moving. The burden of overcoming this presumption shall be upon the applicant, and no building permit for the building shall be issued until this burden is met.

(Code 1976, § 4.06(7))

Section 18-63 Bond

If a permit to move a building into residential district is approved, and the building is to be used as a dwelling, a cash deposit, performance bond, or completion bond in an amount set by the Council shall be filed with the Zoning Administrator prior to the issuance of the building permit, and be signed by a good and sufficient surety, setting forth the completion date therein. Such bond, if required, is for the purpose of

ensuring that alterations and repairs to the building, as required by the Minnesota State Building Code or a condition of the permit, are accomplished. The date of completion shall be set by the Building Official. A bond is not required if all alterations and repairs are fully completed prior to moving a building into town.

Section 18-64 Appeal

Any person aggrieved by the granting or denial of a permit to move a building into residential district shall have the right to appeal such decision to the state district court located in the county. Such appeal shall be filed with the court within 30 days of the date of the decision of the council.