

**ORDINANCE NO. 953**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS (“CODE”), CHAPTER 3, ARTICLE 3.04, MOVING OF BUILDINGS AND STRUCTURES; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KANSAS:**

Section 1. Chapter 3, Article 3.04, Moving of Buildings and Structures, of the Code of the City of Edwardsville is hereby amended as follows:

Section 3.04.001, Responsibility for enforcement, is hereby amended to read as follows:

The city manager or his or her authorized designee shall be responsible for the administration and enforcement of this article.

Section 3.04.002, Route; duties of public works director, is hereby amended to read as follows:

The city clerk shall, upon filing of the application required by this article, refer the same to the public works director to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same; and he or she may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the public works director to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article.

Section 3.04.006, Display of lanterns, is hereby amended to read as follows:

It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place in this city to display red lanterns thereon in such a manner as to show the extreme height and width thereof from 30 minutes before sunset to 30 minutes after sunrise. Other warning devices including flags may be required by state or federal laws.

Section 3.04.041, Permit required, is hereby amended to read as follows:

No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 14 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more, and which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city, without first obtaining a permit therefor.

Section 3.04.042, Application, is hereby amended to read as follows:

All applications for permits required under the provisions of this article shall be made in writing to the city clerk, specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved, and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally owned utility, and, if so, the application shall also state the name of the public or municipally owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. The application shall be made no fewer than 30 days before the moving is to commence.

Section 3.04.043, Bond or insurance, is hereby amended to read as follows:

It shall be the duty of any person, at the time of making application for a permit as provided in this article, to give a good and sufficient surety bond to the city, to be approved by the city attorney, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure; provided the bond herein shall be in the sum of \$500,000.00, or cash may be deposited in lieu of such surety bond. A public liability insurance policy issued by an insurance company authorized to do business in the state, in the amount of \$100,000.00 per person, \$300,000.00 per accident as to personal injury, and \$1,000,000 property damage and naming the City as an additional insured, may be permitted in lieu of a bond.

Section 2. Appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers shall be made in accordance with Section 1.01.008 of the Code of the City of Edwardsville.

Section 3. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 14<sup>th</sup> DAY OF SEPTEMBER, 2015.**

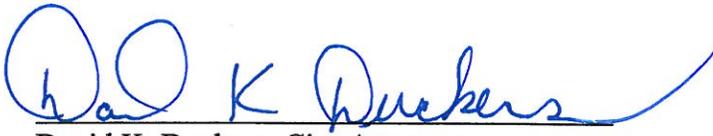


ATTEST

  
\_\_\_\_\_  
John McTaggart, Mayor

  
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Jessica Beaumont, Acting City Clerk

APPROVED AS TO FORM:

  
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David K. Duckers, City Attorney