

O-042004b

**AN ORDINANCE TO REGULATE
THE MOVING OF BUILDINGS ON COUNTY ROADS,
THE PLACEMENT OF MOVED BUILDINGS WITHIN PROPERLY ZONED
DISTRICTS, AND THE REMOVAL OR DEMOLITION OF BUILDINGS WITHIN THE
COUNTY; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Board of Commissioners, Newton County, Georgia, and by the authority of the same, that the Ordinance 0-090302a is hereby deleted in its entirety and the following Ordinance is adopted in lieu thereof: as follows:

DIVISION 1. TITLE AND PURPOSE

Section 1-100. Short Title

This Ordinance shall be known and may be cited as "The Moving, Placement and Removal of Buildings Ordinance of Newton County, Georgia."

Section 1-110. Purpose.

The purpose of this ordinance is to establish uniform permitting regulations and procedures for the moving of houses and other oversize loads (as defined by O.C.G.A. Title 32, Ch.6, Art. 2 and GA ADC Ch. 672-2) on county roads, streets and bridges within the unincorporated area of the county, thereby protecting private property and lives against loss and damage, protecting the public investment in rights-of-way, roadbeds, traffic signs and signalizations and other structures, controlling and regulating the flow of traffic and ensuring the safety of the public. A further purpose of this ordinance is to establish uniform permitting regulations and procedures for the placement of moved houses and other structures in properly zoned districts in the unincorporated area of the county, thereby protecting the safety and welfare of the public by ensuring aesthetic compatibility and compliance with the Newton County Zoning Ordinance and all building codes adopted by the County. A further purpose of this ordinance is to establish uniform permitting regulations and procedures for the removal and/or demolition of houses and other structures within the unincorporated area of the county thereby protecting the public health, safety and welfare by requiring property to be left in a safe and sanitary condition.

DIVISION 2. PERMIT TO MOVE STRUCTURE ON COUNTY ROADS

Section 2-100. Permit required; fees; issuance by planning department.

(a) No person shall move a house, dwelling, apartment building or other oversize load on any county road, street, or bridge within the unincorporated area of the County without a permit to do so issued by the planning department. A moving permit shall not be required if the route of travel is located entirely on roads under the jurisdiction of the state department of transportation. A person shall not be issued a permit to move or authorize the moving of any structure or any portion thereof until he or she has paid a moving permit fee of \$250.00 and complied with all the requirements of this ordinance.

(b) Where an application for a permit to move a structure or a portion thereof, as defined in subsection (a), has been filed and the requisite moving permit fee paid, and where all other applicable ordinances of the county have been complied with and all other permit fees paid, including, but not limited to, any permits required under divisions three and four of this ordinance, the planning director, or the director's duly authorized representative, shall be authorized to issue a moving permit to the applicant.

Section 2-110. Application.

(a) All persons desiring to obtain a permit under the provisions of this division shall make an application on the form prescribed by the county.

(b) The application shall include, but not be limited to, the following:

- (1) Name, address and phone number of the mover/applicant.
- (2) Name, address and phone number of the owner of the structure.
- (3) Address of the present location of the structure.
- (4) Destination of the structure.
- (5) Name and address of insurance company.
- (6) Total height, outside width and length of vehicle and load.
- (7) Certification that the person making the application on behalf of the mover has lawful authority to execute such application and that all requirements under this ordinance have been met.
- (8) The proposed date and time of the move.

- (9) A statement that the mover/applicant agrees to indemnify the county and hold the county harmless from any damages which the county may suffer and from any and all liability claims including interest thereon, demands, attorney's fees, and costs of defense, or judgment against it, arising out of any damage to a public road or bridge, to persons, or to public or private property caused by a permitted load or vehicle, or its private escort vehicle, and to recompense the county for any expenditures made by the county to repair such damages caused by the permitted vehicle or load.

(c) As a condition to the issuance of a permit, the county, when deemed necessary in the interest of public safety, may require the use of a front or rear escort, or both, at the mover's expense, either or both of which may be a public safety vehicle.

(d) All permit applications must be filed with the planning department at least thirty (30) days prior to the date of the proposed move. Upon receipt of an approved application, a copy of said application shall be provided to the Newton County Sheriff's Department. If the application is not approved, the fee will be refunded to the applicant, less an administrative processing charge of \$50.00.

Section 2-120. Scope limited.

(a) Except as authorized under section 5-100, a permit under this division shall not authorize the operation of a vehicle or load with:

- (1) Total load length exceeding seventy-five (75) feet;
- (2) Total load width exceeding fourteen (14) feet, including mirrors and accessories attached thereto; or
- (3) Total height exceeding thirteen (13) feet, six (6) inches.

(b) Notwithstanding any provision of this ordinance to the contrary, no vehicle or load shall be operated over any bridge with a posted limit which is less than the total gross weight of the vehicle and its load or less than the total gross weight permitted under this ordinance.

Section 2-130. Conditions to issuance.

In addition to compliance with other conditions imposed under the provisions of this division, any person receiving a permit under this division thereby certifies that such person will comply or has complied (as applicable herein) with the following conditions governing the operation of the permitted vehicle or load:

- (1) Federal and state laws and regulations.

- (2) The movement of the permitted vehicle or load will take place only on Monday through Thursday between the hours of 9:00 a.m. and 3:00 p.m.
- (3) The permitted load or vehicle will not be operated over any county road other than those described or allowed in the permit.
- (4) The operator of a permitted vehicle and load shall maintain fifty-foot intervals between each vehicle load. In addition, when the normal flow of traffic becomes impeded, such vehicle or load shall move off the traveled portion of the public road until such traffic congestion has been cleared. Normal movement may then be resumed until another traffic congestion occurs.
- (5) The permittee shall maintain, during the existence of the permit, public liability and property damage insurance in the amount of at least \$500,000.00 combined single limit, to protect the property and persons who may be damaged as a result of the moving of the structure. Nothing herein shall prevent the county from requiring any additional undertaking or security as may be deemed necessary to compensate the county for any injury to any public property therein. Proof of such liability insurance and any other security required shall accompany the permit application.
- (6) The permittee shall ensure that the operator of a leased vehicle carries on such operator's person written proof of the identity of the lessee.
- (7) The permittee shall not allow the permit to be used other than for the movement by the particular vehicle for which the permit was issued.
- (8) The minimum equipment which shall be used for moving a house is: a tandem truck, one (1) set of tandem dollies in good condition, and one (1) extra skidder or wrecker in good condition and capable of moving the whole load in case of a breakdown.
- (9) The permittee shall measure the house and, prior to applying for a permit, check the route stated in the permit application to ensure obstacle clearance and necessary places periodically to pull off the road for the purpose of preventing unnecessary traffic congestion.
- (10) Before moving a house, all masonry shall be removed from a masonry-veneered house.
- (11) All mail boxes, highway signs, and other movable obstacles to the move of the structure and located in the street right-of-way shall be removed as the structure approaches such an obstacle and re-erected immediately after the structure passes such obstacles in equal or better condition than prior to removal.

- (12) Trees located in the street right-of-way shall not be removed or trimmed without the written permission of the public works department.
- (13) The movement shall be confined to the route stated in the application, and in no case shall exceed any straight-line distance of fifty (50) miles.

Section 2-140.Route approval.

Prior to the issuance of a permit under this division, the transport route proposed by the mover/applicant must be reviewed and approved by the public works department and public safety department. Unless no other reasonable alternative route exists, only those sections of county roads designated as truck routes by the county shall be used for the moving of structures.

DIVISION 3. PERMIT TO MOVE STRUCTURE ONTO VACANT LAND

Section 3-100.Permit required; fees; submission of plans.

- (a) No person shall move or authorize the moving of a house or other similar structure onto any vacant residential land in the county without a permit to do so issued by the planning department.
- (b) No person shall move or authorize the moving of an apartment, duplex or other similar structure onto any vacant multifamily land (zoned RMF) in the county without a permit to do so issued by the planning department.
- (c) A person shall not be issued a permit until he or she has paid a permit fee of \$250.00 and has submitted all required plans and specifications showing the proposed additions or changes to be made on the structure.

Section 3-110.Application.

- (a) All persons desiring to obtain a permit under the provisions of this division shall make an application on the form prescribed by the county.
- (b) The application shall include, but not be limited to, the following:
 - (1) Name, address and phone number of the applicant.
 - (2) Name, address and phone number of the owner of the structure.
 - (3) Address of the present location of the structure.
 - (4) Address of the destination of the structure.

- (5) Statement of the present zoning classification of the destination of the structure and certification that the structure, prior to any renovations, is in compliance with any and all applicable requirements of the Newton County Zoning Ordinance, as amended, including but not limited to house size.
- (6) Certification that the structure is or will be brought into compliance with all applicable building codes.
- (7) A site plan indicating the proposed placement of the structure on the property.
- (8) Recent dated photographs depicting the condition of the interior and exterior of the structure to be moved.
- (9) Recent dated photographs depicting the lot on which the structure is proposed to be placed.
- (10) Statement of the number of rooms in the structure and the heated square footage (i.e., the square footage of the living area) of the structure.
- (11) An inspection report, prepared by an IRC or IBC certified home inspector or structural engineer, detailing the structural condition of the structure to be moved.
- (12) The names and addresses (including tax parcel number) of all abutting property owners.

Section 3-120. Issuance by planning department.

- (a) Once a completed application for a permit under this division has been filed and the requisite plans and specifications submitted and permit fee paid, the planning director, or the director's duly authorized representative, shall prepare a report on the application and forward the report to the Chairman of the Board of Commissioners and the Commissioner in whose district the property is located.
- (b) Provided all other applicable ordinances of the county have been complied with and all other permit fees paid, including, but not limited to, any permits required under divisions three and four of this ordinance, the planning director, or the director's duly authorized representative, shall make a decision on the permit application within thirty (30) days of receipt of a completed application.
- (c) The owner and permit holder shall comply with any conditions or stipulations of approval placed upon the permit by the planning department.

Section 3-130. Time of completion of moved structure.

All structures for which a permit was required shall be completed within six months of approval of the permit, with completion to include fine grading and landscaping of the property to which the structure was relocated. The planning director shall be authorized to grant one extension of completion time not to exceed 90 calendar days beyond the original six-month completion period. An application for such extension shall be made in writing and shall be made 30 days prior to expiration of the six-month completion time. If the structure is not completed within the time frame provided under the permit, future action in reference to the uncompleted structure may proceed under the Nuisance Abatement Ordinance of Newton County, Georgia.

Whenever any person desires to move or authorize the moving of any commercial building, trade or business structure, industrial building, or similar structure onto any vacant appropriately zoned land within the county he or she shall submit all plans and specifications as required for new construction projects as required by county regulations. The applicant will also pay all fees applicable to new construction projects and the review of the plans and specifications will follow the same review procedure as a new construction project as specified in the construction and development regulations.

DIVISION 4. PERMIT TO REMOVE OR DEMOLISH STRUCTURE

Section 4-100. Permit required; fee.

(a) No person shall remove or demolish any house, dwelling, apartment or other similar structure formerly used for human habitation, or any commercial, industrial or other structure formerly used in the conduct of any trade or business, without a removal permit issued by the planning department. A permit shall not be required for the removal or demolition of barns, sheds or other accessory buildings where the structure was not used for human habitation or any building not having gas, water, electricity and other utilities connected.

(b) A person shall not be issued a permit until he or she has paid a permit fee of \$100.

Section 4-110. Bond required.

A permit to remove or demolish a structure shall not be issued until the applicant has posted a cash bond with the planning department. A \$2,000 bond or letter of credit shall be required for residential structures. For non-residential structures, the applicant shall submit an estimate of the cost of the demolition and restoration of the property. Once the estimate is approved by the county, a bond or letter of credit in the amount of the estimated cost shall be required. The bond shall be returned to the applicant after the structure has been removed or demolished and the applicant has placed the premises or location in the condition as set forth in this article. In the event the permit holder should fail to comply with this requirement, all or any portion of the bond shall be applied by the county to the cost of the county, its agents or employees entering upon the premises or location in the condition as specified in this article.

Section 4-120. Duty to restore premises to safe and sanitary condition.

(a) The applicant for a permit to move or demolish a structure shall, before being entitled to the issuance of a permit, enter into a written agreement that he or she will, following removal or demolition of the structure, take all possible action, including that specified in subsection (b), to ensure that the premises or location from which the structure is removed or demolished shall be left in a sanitary condition and free from all trash, debris and structures which might become a harboring place for insects, rodents or vermin. The applicant shall also be responsible for proper removal of all hazardous material in compliance with U.S. Environmental Protection Agency regulations. The applicant shall further be responsible for the proper disposal of solid waste containing asbestos in accordance with the "Georgia Asbestos Safety Act" and the "Georgia Air Quality Act of 1978."

(b) After the removal of the structure, the owner of the location or premises on which the structure was located shall be required to take necessary action to ensure that such location or premises shall be left in a safe and sanitary condition and shall be specifically required to do the following:

- (1) Remove all trash, debris, garbage and other similar material.
- (2) Fill all holes and depressions caused by the removal of any part of the structure, or caused as a result of compliance with this article, which might become a harboring place for insects, rodents or vermin.
- (3) Tear down and remove all underpinnings, pilasters, steps, plumbing connections and fixtures above ground level.
- (4) Seal, close-off, and make gastight and watertight all water, gas and sewer lines.
- (5) Fill or cover all wells with a concrete cap.

Section 4-130. Time limits for premises restoration; failure to restore premises.

The provisions of the written agreement referred to in section 4-120 (a) must be complied with within 30 calendar days following the date of the removal or demolition of the permitted structure. If any such person shall fail to comply with the provisions of the written agreement or this article, the county, its agents, employees, designees or contractors, are authorized to enter upon the premises and to perform the work necessary thereon to comply with the written agreement or this article. The work may be performed by county forces or by parties employed by the county and the cost of the work charged against the person failing or refusing to comply. Any person, firm or corporation applying for a permit as provided in this article grants to the county an easement of the premises to perform the work.

DIVISION 5. GENERALLY

Section 5-100. Variances.

The director of the Planning Department shall be authorized to grant a variance from the requirements of this ordinance, but only where, by reason of the exceptional historical, architectural or social uniqueness or significance of the structure, the strict application of the provisions of this ordinance would work an undue hardship upon the owner of the structure, and provided further that the provisions of this ordinance shall be complied with to the maximum extent possible.

When an owner of a single-family dwelling who resides in the dwelling is effectively evicted by eminent domain proceedings or other governmental action, and desires to move his or her dwelling to another properly zoned location in the county where he or she will thereafter reside as their home, such owner shall be required to the permit specified in this ordinance but shall not be required to pay the permit fees.

Section 5-120. Revocation, suspension or denial.

(a) The planning director shall be authorized to deny, suspend or revoke any permit under this ordinance requested by an applicant or issued to a permittee. Permits may be denied, suspended or revoked for cause, including, but not limited to, any of the following reasons:

- (1) Failure to comply with the provisions of this ordinance.
- (2) Repeated past violations by the applicant or permittee of a relatively minor nature.
- (3) A single, but aggravated violation.
- (4) A material misrepresentation made by the applicant for a permit.
- (5) Any other facts indicating that the applicant or permittee is a poor risk with regard to the permitted activity.

(b) The county shall provide the applicant or permittee written notice of the decision to deny an application or to revoke or suspend a permit. Such notice shall set forth in reasonable detail the reasons for such action.

Section 5-130. Penalty for violation.

Any person, firm, corporation or entity accused of violating this Ordinance shall, upon conviction, be punished by imposition of a minimum fine of \$100, imprisonment or both, not to exceed the maximum penalties specified in O.C.G.A. 36-1-20. In addition, any violation of divisions 3 or 4 shall be a continuing violation and each day of violation shall constitute a new offense.

Section 5-140.Repeal of conflicting provisions.

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

Section 5-150.Effective date.

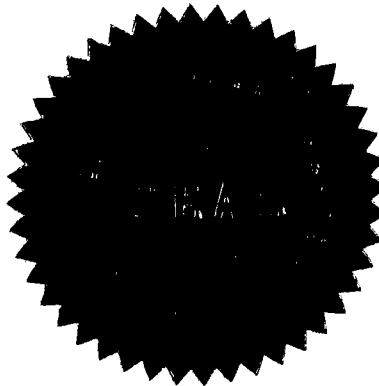
This Ordinance shall be in force and take effect on April 20, 2004.

SO ORDAINED, this 20th day of April 2004.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: *Aaron Varner*
Aaron Varner, Chairman

Attest: *Jackie Smith*
Jackie Smith, Clerk



**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
April 20, 2004**

O-042004b Moving of Buildings Ordinance

- Crossed referenced requirements on state road
- Crossed referenced requirements on county road
- Moving Permit Fee: \$250.00
- \$2000 bond or letter of credit shall be required for residential structures.
- Non-residential structures, the applicant shall submit an estimate of the cost of the demolition & restoration of the property.

Motion: To adopt O-042004b Moving of Buildings on County Roads Ordinance as presented by the County Attorney's office.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Monty Laster, District Five

Motion Carried

Note: The original ordinance is contained in file number O-042004b, incorporated herein by reference and expressly made a part of these minutes.