

**PORT SHELDON TOWNSHIP
ORDINANCE NO. 2007-01**

PERMIT FOR MOVING OF BUILDINGS ORDINANCE

AN ORDINANCE TO REGULATE, AND TO REQUIRE A PERMIT FOR, THE MOVING OF BUILDINGS INTO, WITHIN AND FROM PORT SHELDON TOWNSHIP; TO PROVIDE FOR PENALTIES; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

PORT SHELDON TOWNSHIP, OTTAWA COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose. The purpose and intent of this Ordinance is to protect the public health safety and welfare of the Township, its residents and its property owners by regulation of the moving of buildings into, within and from the Township.

Section 2. Applicability. This Ordinance shall apply to any existing, substantially complete building which encloses more than 320 square feet of space at its lowest level, or an existing building for which a permanent foundation is required under applicable construction codes.

Section 3. Permit Required. No person shall move or cause to be moved into, upon, across or along any street, road, highway or other public place in Port Sheldon Township any building unless the person has first obtained a permit in the manner described in this Ordinance. No person shall move or cause to be moved any building onto, within or from any lot or parcel of land in Port Sheldon Township without having first obtained a permit as provided in this Ordinance.

Section 4. Application. A person seeking a permit required under Section 3 shall complete and deliver to the Building Official an application accompanied by the payment of the fee established from time to time by the Township Board. The application shall contain the following information:

- a. The name and address of the owner of the building and, if different, the name and address of the owner of the land in which the building is to be moved from, within, or to.
- b. The address from which the building is to be moved.
- c. The address, legal description, property dimensions and area in square feet of the lot or parcel to which the building is to be moved, if located in Port Sheldon Township.
- d. A description of the building to be moved, including its outside height, width and length dimensions, the square foot area of each floor and the type of construction, together with a floor plan sketch showing dimensions, room size and use of rooms.
- e. If the building is to be moved on or onto a parcel or lot in Port Sheldon Township, a drawing, to scale, depicting the lot or parcel, the proposed

location of the building on the lot or parcel, required yard setbacks, access, and the proposed location of the water supply, sewage/septic service and other utilities.

- f. The proposed route over which the building will be moved together with the necessary approvals by the county road commission(s) or the Michigan Department of Transportation, as may have jurisdiction over the roads or highways to be used.
- g. A narrative stating the approvals or arrangements required to be obtained from any public utilities or any railroad affected by the route.
- h. The proposed date and times for moving the building.
- i. The name, address and contact telephone number of the company to perform the move together with its insurance or bond applicable to the proposed moving of the building.
- j. The applicable building or other permits of Port Sheldon Township and other units of government relating to the movement of the building into or from their respective territories.
- k. Other information deemed necessary by the Building Official.

Section 5. Requirements. Upon receipt of a complete application, the Building Official shall inspect (1) the building to be moved, (2) the property or location from which the building is to be moved, and (3) the property or location to which the building is to be moved. The Building Official shall issue the permit only when it is determined that all of the following requirements have been met:

- a. All necessary approvals/permits for moving the building have been obtained from the appropriate governmental agencies and utilities.
- b. If the building is being moved on or onto a parcel or lot in the Township, the building meets all applicable zoning regulations.
- c. Unless otherwise provided by law, the building shall meet all current requirements of the State Construction Code. If the Building Official determines that serious code violations exist such that the building is structurally unsound and unsafe, or that existing mechanical, electrical or plumbing systems have become unsafe, hazardous, unsanitary, inadequate or overloaded, no permit shall be issued unless applicant provides assurances satisfactory to the Building Official that one or more contractors have been retained to cure the deficiencies promptly when the move of the building is completed.
- d. The company moving the building is experienced in the trade and is adequately bonded/insured.
- e. For buildings being moved into Port Sheldon Township, the building permit (foundation) has also been obtained.
- f. All information provided in and with the application is accurate.
- g. The building must be moved to its new location in one move, and it may not be temporarily stored on any other parcel or lot in Port Sheldon Township.

Section 6. Conditions When Building is Moved In or Into the Township. The following conditions shall apply to each permit for buildings to be moved to or within parcels or lots in Port Sheldon Township:

- a. Construction of the building's foundation must commence prior to the date the building is moved on or within the parcel or lot. The foundation for the building shall be completed and inspected within three (3) weeks from the date the building is moved onto or within the lot or parcel.
- b. The building shall be placed on the foundation promptly and all work on the building necessary for issuance of a certificate of occupancy, including final grading, shall be completed within six (6) months from the date the permit was issued. The Building Official may extend this time for completion for one additional six (6) month period upon a showing of good cause by the applicant.
- c. A building moved on or onto property within Port Sheldon Township shall not be occupied or used until a certificate of occupancy has been issued by the Building Official after inspection and finding that all the requirements and standards of this Ordinance, and the applicable provision of the Township's Zoning Ordinance and the State Construction Code have been met.

Section 7. Conditions Where Building is Moved From a Site on a Parcel or Lot in the Township. Within three (3) weeks from the date the building was moved from its former location, the following reclamations and restorations of the parcel, as directed by the Building Official on the permit, shall be completed to return the land to a safe and useable condition:

- a. Any excavation, basement, slab or foundation shall be removed, demolished and/or filled and brought to a proper grade with the surrounding land and shall be landscaped and/or revegetated.
- b. Any utility wires, cables and piping shall be removed, buried, cut and/or capped. Any septic system shall also be removed, capped, demolished or covered as may be appropriate.

Section 8. Performance Guarantee. At the time the permit is issued for moving a building, the applicant shall post with the Township a performance guarantee in the form a cash bond or a letter of credit, to guarantee the timely and proper performance of the applicant's obligations under the permit and this Ordinance. The Township shall be named the beneficiary of such guarantee. The guarantee shall remain in existence until the performance is complete or the Township acts upon such guarantee to acquire the funds to complete either the applicant's performance or to remove and demolish the building. The amount of the performance guarantee shall be no less than \$2,000.00 and shall be determined and set by the Building Official in light of the size and state of the building being moved, and the nature and circumstances of the property involved.

Section 9. Penalties. Any person or entity violating any provision of this Ordinance shall be subject to a penalty consisting of a fine not to exceed \$500.00 and/or imprisonment not

exceeding ninety (90) days as may be determined by a court of competent jurisdiction as in a misdemeanor proceeding. Each day that a violation continues shall constitute a separate offense. The penalties under this section shall be cumulative and shall not prevent a civil action by the Township for the appropriate injunctive relief and/or damages caused by any violation.

Section 10. Administrative Liability. No officer, agent or employee of the Township shall be liable for any damage that may occur to any persons or property as a result of any act, decision, omission or other consequence or occurrence arising out of the discharge of duties or responsibilities pursuant to this Ordinance.

Section 11. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section, or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 12. Repeal. All other ordinances, resolutions, orders or parts thereof in conflict with this Ordinance, in whole or in part, are hereby repealed to the extent of any such conflict.

Section 13. Effective Date. This Ordinance was adopted by the Township Board on May 10, 2007 and shall take effect on June 18, 2007 being a date thirty (30) days after the first publication in the Holland Sentinel, a newspaper having general circulation in the Township, pursuant to the provisions of MCL 41.184, as amended.

Howard Baumann
Township Supervisor

Kathy Van Voorst
Township Clerk

CERTIFICATE

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Port Sheldon, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board at a regular meeting of the Township Board held on the 10th day of May, 2007. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with 1976 PA 267, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kathy Van Voorst, Township Clerk