

## Ordinance No. 99 – 7

AN ORDINANCE AMENDING TITLE 11, CHAPTER 11.36, MOVING BUILDINGS, OF THE BENTONVILLE MUNICIPAL CODE, REPEALING THE PRESENT CHAPTER AND REPLACING SAID CHAPTER WITH PROVISIONS TO PROVIDE FOR A RESTRICTION ON THE MOVING OF BUILDINGS INTO THE CITY OF BENTONVILLE, ARKANSAS AND TO FURTHER PROVIDE FOR LIMITATIONS ON THE MANNER OF MOVING BUILDINGS THROUGH THE CITY OF BENTONVILLE, ARKANSAS AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

**Section 1:** That the Bentonville Municipal Code, Title 11, Building and Construction, Section 11.36 Moving Buildings be repealed and replaced by the following:

**Section 2, Applicability:** No person shall move any house, dwelling, structure or large heavy object on, over, along or across any street, alley or sidewalk within the city without first securing a permit therefore. No house, dwelling or structure shall be moved from outside or within the city to a location in the city, except and excluding only new manufactured buildings and new modular type buildings. **Houses, dwellings and structures may only be moved out of or through the city.**

**Section 3, Permits:** Application for a permit required by this chapter shall be made to the Chief Building Inspector of the City of Bentonville, Arkansas, on forms to be provided by the Building Inspection Department, which application shall state the loaded height and width of any structure or object to be moved, and shall designate the route over which the same is to be moved, and the time when the same is proposed to be moved.

**Section 4, Permit Fee:** The fee for a permit required by this chapter shall be **Two Hundred Dollars (\$200.00)** plus **Two Hundred Dollars (\$200.00) per mile** the structure travels within the corporate limits of the City of Bentonville on the route so designated by the City planning department as described in section five (5). Partial miles will be measured to the tenth mile and the permit fee prorated accordingly.

**Section 5, Route to be Established:** The City of Bentonville, Planning Department in cooperation with the moving contractor shall select the safest, most direct route out of or through city as determined by the width of streets, height of overhead wires, setback of structures and other utilities adjacent to the street, proximity of trees to the street and volume of vehicular traffic. The route selected will be designated on the permit as the approved route of travel for the structure. Unapproved variance from the designated route will result in revocation of permit, forfeiture of the permit fee and prosecution.

**Section 6, Liability Insurance Required:** Each applicant for a permit required by this chapter shall furnish a certificate of liability insurance to the Chief Building Inspector against damages to persons or property by reason of such moving in the following amounts:

- (1) One Hundred Thousand Dollars (\$100,000.00) for bodily injury to anyone (1) person per occurrence.
- (2) Two Hundred Thousand Dollars (\$200,000.00) for bodily injury to more than one (1) person per occurrence.
- (3) Two Hundred Fifty Thousand Dollars (\$250,000.00) for damage to property per occurrence.

**Section 7, Maximum Height and Width of Structure:** The maximum permissible loaded height of any building or heavy object to be moved shall be eighteen (18) feet and maximum permissible loaded width of any building or heavy object to be moved shall be twenty-six (26) feet. Any request for a permit to move any structure or object which exceeds the maximum permissible loaded height or width shall be presented to the City Council for their approval before the Chief Building Inspector shall issue the permit.

**Section 8, Notice Required:** Any applicant desiring to move a house, structure or heavy object through or out of the city shall be required to file application for permit and notify the Chief Building Inspector of such intent at least thirty (30) days prior to the desired moving date.

**Section 9, Structure to be moved in a timely manner:** All structures and heavy objects for which a moving permit has been issued, must be moved on the date specified on the permit. Failure to do so shall result in the revocation of the moving permit and loss of the permit fee to the City. If, in the opinion of the Chief Building Inspector extreme climatic conditions have prevented the applicant from moving said structure, the Inspector may designate another date for movement of the structure without penalty.

**Section 10, Consent of owners of Utility lines and coaxial:** Prior to the issuance of any permit required by this ordinance, the applicant shall furnish to the Chief Building Inspector evidence of the consent of the owners of any utility lines or coaxial cables not owned by the City which will be moved as a result of moving the structure or heavy object for which the permit is to be issued.

**Section 11, Structures to be moved in accordance with terms of the permit:** It shall be unlawful for any person to move any structure or large object on, over, along or across any street, alley or sidewalk in the City, in a manner contrary to the terms of the permit secured for such moving.

**Section 12, Penalties:** Failure of persons whom are moving structures or large, heavy objects through or out of the City of Bentonville to obtain a permit or comply with the requirements of this ordinance will be prosecuted and subject to fines of not more than Five Hundred Dollars (\$500.00) per offense or One Thousand Dollars (\$1,000.00) for each repetition of such offense.

**Section 13:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 14:** This ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.