

RESOLUTION NO. _182-2008_

Date Adopted: 11-26-2008

Date Published: 12-9-08

A RESOLUTION TO THE SEDGWICK COUNTY CODES AMENDING CHAPTER 6, ARTICLE II AND ADDING ARTICLE X, PROVIDING FOR THE PERMITTING PROCESS AND LICENSING OF CONTRACTORS ENGAGED IN THE BUSINESS OF MOVING CONVENTIONALLY-BUILT STRUCTURES; ESTABLISHING DUTIES AND RESPONSIBILITIES FOR CONTRACTORS ENGAGED IN STRUCTURE MOVING; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH DUTIES AND RESPONSIBILITIES.

WHEREAS, on the 25th day of August, 1993, the Board of County Commissioners adopted Resolution No. 159-1993, which adopted the Sedgwick County Code; and

WHEREAS, on the 5th day of December, 2007, the Board of Sedgwick County Commissioners adopted Resolution No. 262-07, which amended Chapter 6, Article II of the Sedgwick County Code by adopting the International Residential Code, 2006 Edition, Chapter 1, Section R105.1; and Resolution No. 263-07, thereby adopting the International Building Code, 2006 Edition, Chapter 34, for the unincorporated area of Sedgwick County; and

WHEREAS, the Board of County Commissioners finds that it has been advised by the present Board of Building Examiners, and thereupon deems it necessary to amend Chapter 6, Article II, and adopt Article X, Structure Moving, providing for licensing and permitting requirements with certain provisions declared to be amended or modified, and providing for penalties and prosecution for violations thereof. Said code shall regulate and control the moving of all conventionally-built structures as defined in this resolution, in the unincorporated area of Sedgwick County, Kansas, and for those cities which hold a valid inter-local agreement with Sedgwick County Department of Code Enforcement. This code will confer jurisdiction upon the county for all prosecutorial function relating thereto; and to provide for the issuance of permits and collection of fees therefor.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

Chapter 6, Article II, of the Sedgwick County Code is hereby amended and Chapter 6, Article X is hereby added by the adoption of the Sedgwick County Structure Moving Code.

SECTION 1: AMENDMENTS TO CHAPTER 6, ARTICLE II.

Chapter 6, Article II of the Sedgwick County Code is hereby amended by the addition of the following:

R101.4.6 Conventionally-built Structure Moving.

The provisions of the Sedgwick County Structure Moving Code shall apply to any building or conventionally-built structure that is to be moved upon, across or over any highway, street, avenue, alley or sidewalk in the unincorporated areas of Sedgwick County.

SECTION 2: ADDITION TO CHAPTER 6. ARTICLE X, entitled Structure Moving, is hereby created and shall read as follows:

ARTICLE X. STRUCTURE MOVING

Sec. 6-500. Title.*

This code shall be known as the “Structure Moving Code,” may be cited as such, and may hereinafter be referred to as “this article.”
(Res. No. 182-2008, November 26, 2008)

Sec. 6-501. Compliance with Kansas Statutes.

All contractors shall comply with the statutory requirements established in the Kansas Statutes Annotated, including K.S.A. 17-1914, et. seq., as amended from time to time. No provision in the Structure Moving Code is intended to conflict with, or be contrary to, any act of the Legislature, and this Code is adopted pursuant to the authority granted by K.S.A. 19-101a, et. seq.

If any particular provision of this Code, or a provision of any Code that is referenced herein shall be determined to be invalid or unenforceable, that determination shall not affect the other provisions, which shall be construed in all respects as if the invalid or unenforceable provision were omitted.

Sec. 6-502. Applicability of the International Building Code and International Residential Code, 2006 Editions.

The International Building Code and International Residential Codes, 2006 Editions, and the appendices thereto as may be modified from time to time, and all provisions contained therein as previously adopted or may be adopted with any and all additions, changes, omissions, and deletions, as set forth hereinafter, shall apply to existing structures and all conventionally-built structures moved into or within Sedgwick County.

Sec. 6-503. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conventionally-Built Structure means any structure in excess of two hundred (200) square feet (18.58 m²), regardless of the type of material used in construction of the structure, and shall include houses, residences, one-, two- and larger family dwellings, commercial buildings, pole barns, garages, detached accessory structures, outbuildings, and similarly-built structures; provided however, it does not include manufactured homes, modular homes, or any new pre-manufactured structure designed to be moved to its final destination; nor shall it pertain to any job or construction trailer, portable office, portable classroom, or registered historic structure.

Structure Moving means the transportation or the passing of a conventionally-built structure from one place or position to another upon, across or over any highway, street, avenue, alley or sidewalk into or within Sedgwick County, Kansas.

Real Property Destination Situs means the final location of the conventionally-built structure upon real property and the foundation and site wherein the conventionally-built structure is to be set, placed, affixed and/or attached.

Sec. 6-504. Structure Moving.

Before any conventionally-built structure is moved upon, across or over any highway, street, avenue, alley or sidewalk into or within the unincorporated areas of Sedgwick County, a Structure Moving Permit shall first be obtained from the Office of the Sedgwick County Clerk. Any contractor engaged in the business of moving conventionally-built structures shall obtain a Structure Moving License as set forth in the Sedgwick County Building Code. The structure moving contractor shall verify with the Office of the Sedgwick County Clerk if a Structure Moving Permit is required. The requirements for moving conventionally-built structure are contained herein. Inquiries regarding Structure Moving Permits or Licenses should be addressed to the Sedgwick County Department of Code Enforcement or the Sedgwick County Clerk.

Sec. 6-505. Obtaining the Structure Moving Permit.

The Structure Moving Permit shall be obtained from the office of the Sedgwick County Clerk. Prior to obtaining the Structure Moving Permit, the following conditions shall be met:

1. Obtain a pre-moving inspection on the conventionally-built structure as set forth in the most recently adopted edition of the Sedgwick County Building Code.
2. Verify with Sedgwick County Flood Plain Manager that the real property destination situs of the conventionally-built structure is within or not within the Sedgwick County FEMA flood plain area. If located within the Sedgwick County FEMA flood plain area, the structure shall be brought into compliance with all such regulations of Sedgwick County and FEMA.
3. Obtain any required wastewater and/or water well permits from Sedgwick County Department of Code Enforcement for the real property destination situs, if the conventionally-built structure real property destination situs is within the unincorporated area of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement.

4. If the real property destination situs is within the unincorporated area of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, a building permit for the conventionally-built structure shall first be obtained from Sedgwick County Department of Code Enforcement or said city.

5. The foundation shall be completed, inspected and approved by Code Enforcement prior to moving the structure onto the real property destination situs.

(a) Where space or time limitations exist, the moved structure may be placed on site with the prior approval of the authority having jurisdiction and Code Enforcement prior to completion of the foundation.

6. The building contractor/owner shall furnish stamped drawings from a Registered Design Professional, and provide the following to Sedgwick County Department of Code Enforcement prior to the issuance of the building permit and moving the conventionally-built structure:

(a) the method and details of attachment of the conventionally-built structure to the new foundation.

(b) the method and details of the reattachment or altering any sections of the conventionally-built structure that was removed or altered prior to transporting the conventionally-built structure.

7. Provide Sedgwick County Department of Code Enforcement written and signed approval of the route and the move from the Sedgwick County Department of Public Works and each affected utility company with overhead lines, including but not limited to, electric, telephone, and cable TV, on a form furnished by the Sedgwick County Department of Code Enforcement or Sedgwick County Clerk.

8. All conventionally-built structures to be moved shall be brought up to all of the most recently adopted Plumbing, Mechanical, Electrical, and Building Codes for Sedgwick County.

9. Structures may be stored on lots approved for such use with the approval of the authority having jurisdiction.

Sec. 6-506. Investigation Fee. Pre-moving Inspection.

Any conventionally-built structure built prior to 1975 shall be inspected by a Registered Design Professional prior to the structure being moved. Any wall or ceiling coverings that need to be removed for inspection shall be done by the owner/contractor at no expense to Sedgwick County Department of Code Enforcement or the inspecting party. After the inspection is completed, if structural deficiencies are identified, a Registered Design Professional's plan shall be required for the design of the repairs. All required repairs identified in the plan shall be completed prior to issuance of the Certificate of Occupancy by Code Enforcement.

The pre-move fees for inspection of any structure to be moved within the unincorporated areas of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, shall be assessed as follows:

- (a) If the conventionally-built structure to be moved is originally located within the unincorporated areas of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, the fee shall be one-hundred dollars (\$100.00).
- (b) If the conventionally-built structure to be moved is originally located outside the unincorporated areas of Sedgwick County, the fee shall be as set forth below:
 - (1) \$30.00 per hr* (minimum charge- \$100.00) plus \$.50 per mile for each mile traveled to perform the required inspection. *
 - (2) *Or the total hourly cost to the jurisdiction, whichever is more. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
- (c) If the structure has been inspected by a Registered Design Professional, Sedgwick County Department of Code Enforcement will waive the inspection fees. No fees will be waived without a stamped and signed letter, identifying any deficiencies to be corrected.

Licensing of contractors engaged in the business of moving conventionally-built structures within the unincorporated areas of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, shall be as set forth in the most recently adopted edition of the Sedgwick County Residential Code

Sec. 6-507. Obtaining a license.

To obtain an appropriate Structure Moving License, a person/contractor shall:

1. File a completed application with the Board of Building Examiners and Appeals on forms provided by the Department of Code Enforcement, identifying the classification of contractor license sought by the proposed licensee, which classification shall be as follows:

- (e) **Class S. Specialty.** A class S-7 license shall entitle the licensee to contract to move conventionally-built structures into or within the unincorporated areas of Sedgwick County or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement.

S-7. Moving of conventionally-built structures.

- 2. Pay an application fee in the amount of \$50.00 for a Structure Moving License.
- 3. Pay the appropriate license fee as provided in Section R116.3.

4. Submit proof of insurance in the following amounts:

- (a) Worker's compensation insurance for all employees to be engaged in work on any site regulated by the Residential Code.
- (b) Comprehensive general liability insurance in an amount not less than five Hundred thousand dollars (\$500,000) each occurrence and aggregate for bodily injury and property damage combined. Certificates of insurance submitted as required herein shall indicate that the Sedgwick County Department of Code Enforcement shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance.

5. Agree to obtain all required permits.

Sec. 6-508. Renewal of license.

A Structure Moving License shall be renewed in two-year increments, with the license fee assessed as provided in the most recently adopted edition of the Sedgwick County Residential Code.

Sec. 6-509. Lapse of license.

A contractor license that has not been suspended or revoked, but for which the renewal fee has not been submitted on or before March 1st following the expiration of a license period, shall be deemed to have lapsed. The renewal of a lapsed license shall be allowed upon the person's request, after filing of a completed application, payment of the required application fee, and compliance with all requirements of the most recently adopted edition of the Sedgwick County Building Code and Sedgwick County Residential Code.

Sec. 6-510. Passageway for vehicles.

Any such person, firm or company moving any conventionally-built structure shall cause a sufficient passageway for vehicles to be kept open, to the greatest extent possible, on one or both sides of such structure while the same is being moved upon any street, avenue, alley, highway or sidewalk within Sedgwick County or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement.

Sec. 6-511. Repair of Damage.

In the course of moving any conventionally-built structure, should any person, firm or company shall cause damage to any street, avenue, alley, building, structure, bridge, sign, traffic signal or other public place or other property belonging to, or under the control of Sedgwick County, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code

Enforcement, the same shall be immediately repaired or replaced with a substitute of equal or greater value, at the expense of the person, firm or company moving such structure. All repair or replacement shall be under the direction and contingent upon the satisfaction of the Sedgwick County Department of Public Works or the appropriate department of any city with a valid inter-local agreement.

Sec. 6-512. Unlawful Acts.

It shall be unlawful for any person, firm or corporation to move, transport, ship, deliver, remove, affix, place, build, or convert, any conventionally-built structure in the unincorporated area of the county, or a city that holds a valid inter-local agreement with the Sedgwick County Department of Code Enforcement, or cause or permit the same to be done, contrary to or in violation of the Structure Moving Code.

Sec. 6-513. Violation Penalty.

An accused person who shall be convicted in the county court or district court for violation of any provision of the Structure Moving Code shall be deemed guilty of a violation thereof and in accordance with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the court at a sum not to exceed five-hundred dollars (\$500.00); provided further, the minimum fine for any violation of this article shall be assessed according to the classification of violations and schedules of fines in section 8-5 of the Sedgwick County Code and subject to the enhancements contained therein, and each and every violation of the Structure Moving Code shall be a class I violation.

PUBLICATION AND EFFECTIVE DATE.

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall take effect upon its publication in the official county newspaper.

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Commissioners present and voting were:

DAVID M. UNRUH	__aye_____
TIM R. NORTON	__aye_____
THOMAS G. WINTERS	__aye_____
KELLY PARKS	__aye_____
GWEN WELSHIMER	__aye_____

Dated this 26th day of November, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

_____/s/_____
DON BRACE, County Clerk

_____/s/_____
THOMAS G. WINTERS, Chairman
Commissioner, Third District

_____/s/_____
TIM R. NORTON, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

_____/s/_____
BILL RAYMOND
Assistant County Counselor

_____/s/_____
DAVID M. UNRUH
Commissioner, First District

_____/s/_____
KELLY PARKS
Commissioner, Fourth District

_____/s/_____
GWEN WELSHIMER
Commissioner, Fifth District