

ORDINANCE NO. 14,245

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by amending Sections 102-999, 102-1001, 102-1006, 102-1007, 102-1009, 102-1010, 102-1011 and 102-1013 thereof relating to the moving of houses and heavy equipment.

Be It Ordained by the City Council of the
City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by amending Sections 102-999, 102-1001, 102-1006, 102-1007, 102-1009, 102-1010, 102-1011 and 102-1013 thereof relating to the moving of houses and heavy equipment, as follows:

Sec. 102-999. House mover's bond.

The applicant for a house mover's license shall file a bond, with the application, with an approved corporate surety in the penal sum of \$25,000.00, conditioned that all work done under the license shall be done in a good and workmanlike manner, in accordance with all sections of this Code and all city ordinances relating to house moving, and that the applicant will pay to the city or to any person injured all damages for injuries to persons or property, including but not limited to damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of the applicant or any person in his or her employ or due to any other cause in doing any work under the license or permit.

Sec. 102-1001. Insurance.

(a) Before any license required by section 102-997 of this article is issued, the applicant shall obtain insurance as described in this section and provide a certificate of insurance disclosing such compliance. Such insurance shall include coverage for workers' compensation, automobile liability and general liability. Workers' compensation insurance shall be provided if required of the licensee under chapter 85 of the code of Iowa. If workers' compensation insurance is required,

employer's liability insurance shall be included with limits of not less than \$100,000.00 each accident for bodily injury by accident, \$100,000.00 each accident for bodily injury by disease, and a policy limit of \$500,000.00 for bodily injury by disease. Automobile liability insurance shall be in an amount of not less than \$1,000,000.00 combined single limit. General liability insurance shall be comprehensive or commercial general liability insurance coverage in an amount of not less than \$1,000,000.00 for each occurrence and/or general aggregate combined single limit. Both the automobile liability and general liability insurance policies shall include contractual liability coverage. The general liability insurance policy shall also include in its definition of an insured contract the indemnification of a municipality when required either by ordinance or contract or otherwise. All insurance policies under this section shall provide that they may not be cancelled without 30 days' written notice to the city.

(b) Indemnification. Licensee shall defend, pay on behalf of, indemnify and hold harmless the city, its elected and appointed officials, employees and volunteers and others working on behalf of the city, against any and all claims, demands, suits, or loss, including any and all outlay and expense connected therewith, by reason of bodily injury, death, damage to property or loss of use thereof, which arises out of the activities of the licensee, or others affiliated with licensee, while operating under permissions granted by this license.

(c) Waiver of subrogation. Licensee shall release the city, its elected and appointed officials, employees and volunteers and others working on behalf of the city, from liability or responsibility for any injury, damage, liability, loss or expense incurred by the licensee or others affiliated with

the licensee, by way of subrogation or otherwise, for any loss or damage to property caused by fire or any other casualty while arising out of the activities of the licensee, or other affiliated with licensee, while operating under permissions granted by this license.

Sec. 102-1006. Application for house moving permit.

Any person desiring a house moving permit as required in this article shall file an application in the office of the city engineer at least thirty (30) days prior to the commencement of the work. The application shall contain the following:

(1) The date and time of moving the house, structure or building.

(2) The detailed statement setting forth the proposed route to be followed in moving the structure, the equipment to be used and specifying the person in charge of the moving operation.

(3) The location of the premises to which the structure is to be moved and the zoning classification thereof.

(4) The name of the owner of the structure and the name of the owner of the premises to which it is being moved and showing that the applicant is entitled to move the house.

(5) A plot plan of the location to which the structure is to be moved, showing the exact proposed location of the structure, the boundaries of the lot upon which the structure is to be placed, and the dimensions of the lot.

(6) A statement showing the maximum length and width, including eaves and loaded height, of the structure to be moved. Verification of the dimensions of the loaded structure shall be provided to the city by the applicant and shall become a part of the application. In addition, the mover shall verify that the designated route will accommodate the structure to be moved. Damages due to variances from the verified dimensions shall be the responsibility of the house mover.

(7) An agreement that the house mover shall indemnify and hold the city harmless from any claims or damages for injuries to persons or property resulting from the moving of the structure for which the permit is requested.

An agreement that the applicant shall immediately report any damage done by the moving operation to any street, sidewalk,

alley, curb, avenue, boulevard, highway, tree or other public property and that the applicant will upon demand pay the cost of repair occasioned by the damage to the city.

Upon receiving the application, the city engineer shall notify the community development department of the proposed move. The community development department shall notify the recognized neighborhood organization for the proposed house location, and any other recognized neighborhood organization along the proposed route. The notification shall include the name and phone number of the owner of the structure to be moved or a representative of the moving company that residents can contact for additional information.

Sec. 102-1007. Utility company consents.

The applicant for a permit required under section 102-1005 of this article shall file with the application the consent of the electric energy company, the telephone company and any franchise cable television company, and any communications company or other utility with overhead wires across the proposed route, to use the proposed route.

Sec. 102-1009. Issuance of house moving permit.

Upon the filing of the application with the city engineer and payment of the fee as required in this article and upon the approval of the city engineer, and the director of public works, a house moving permit shall be issued by the city in accordance with this article.

Sec. 102-1010. Denial of house moving permit.

(a) When, in the judgment of the city engineer or the director of public works, the proposed work will result in an undue hazard to traffic or undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees or other public or private property, the house moving permit shall be denied and the reasons therefor endorsed upon the application. In the review process, the preservation of the urban forest, and the preservation of historically and/or architecturally

significant houses shall be given strong consideration.

(b) The permit shall also be denied if the structure will not comply with pertinent sections of this Code or city ordinances or state laws relating to electrical and plumbing requirements of new structures, unless the owner has obtained a building permit to correct the violations, or if the power, gas, telephone or cable company refuses to consent to the operations or if the structure will not comply with the zoning affecting the proposed location.

Sec. 102-1011. Restrictions on house moving permit.

(a) A permit issued pursuant to section 102-1009 of this article may be restricted if, in the judgment of the city engineer, the moving operations would create undue traffic congestion or hazards. The city engineer may require police escorts or temporary removal of traffic control devices for the moving operations, or he or she may restrict or specify the hours during which the moving operation must be accomplished.

(b) A permit issued shall not become valid for moving a structure unless the house mover provides written notice to each residence or commercial property along the planned route at least seven (7) calendar days prior to the planned move, using printed notices that identify the proposed date, time and route for the move, the size of the structure to be moved, and the anticipated effects of the move, such as temporary cutoff of utility service, temporary removal of parking on the street, or other effects.

(c) If legally parked vehicles on the proposed route will interfere with the move, the house mover shall notify the city engineer and shall install temporary emergency no parking signs along such

portions of the route as may be needed at least twenty-four (24) hours prior to the start of the move, and shall promptly remove such signs after the move is completed.

(d) If traffic signs, traffic signals or other existing city facilities along the proposed route will interfere with the move and will require adjustment or relocation to allow the move, the house mover shall notify the city engineer at least seven (7) calendar days prior to the planned move, and shall pay the costs for any such adjustment or relocation as directed by the city engineer.

(e) The cost of these requirements shall be borne by the house mover.

Sec. 102-1013. Equipment.

(a) All equipment used in the house moving operation must be equipped with adequate warning flares and lights.

(b) The house mover shall at all times comply with the state statutes pertaining to wheel loadings.

(c) The house mover shall not use any equipment, which travels upon the streets, avenues, boulevards, highways, alleys, sidewalk or other public grounds, that is not equipped with rubber tires. Tire chains shall not be used on city roadways.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

David L. Phillips, Assistant City Attorney

Chris Coleman, Mayor Pro Tem

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 03-1497), passed by the City Council of said City at a meeting held June 23, 2003 signed by the Mayor Pro Tem on June 23, 2003 and published as provided by law in the Business Record on July 7, 2003 Authorized by Publication Order No. 3851.

Diane Rauh, City Clerk