



Legislation Details (With Text)

**File #:** 980582      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 7/24/1998      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 11/24/1998

**Effective date:**

**Title:** A substitute ordinance relating to the moving of buildings.

**Sponsors:** THE CHAIR

**Indexes:** BUILDING CODE, DEMOLITIONS, FEES, PERMITS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
7/24/1998	0	COMMON COUNCIL	ASSIGNED TO		
10/15/1998	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/27/1998	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
11/16/1998	2	CITY CLERK	DRAFT SUBMITTED		
11/17/1998	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/24/1998	2	COMMON COUNCIL	PASSED	Pass	16:0
12/7/1998	2	MAYOR	SIGNED		
12/14/1998	2	CITY CLERK	PUBLISHED		

980582  
SUBSTITUTE 2

THE CHAIR  
A substitute ordinance relating to the moving of buildings.  
218-1 am  
218-2-1 am  
218-2-4 rp  
218-2-5 rn  
218-3-0 rc  
218-3-1-a am  
218-3-1-b am  
218-3-1-c am  
218-3-2 rc  
218-3-3 am

- Analysis - This ordinance:

1. Repeals the requirement that the standards and appeals commission review a permit to move a building or structure prior to issuance of a permit by the commissioner of building inspection.
2. Permits the commissioner of building inspection to require a statement from a registered architect or engineer approving and outlining the moving process for large or unusual buildings.
3. Increases the amount of a wrecker's and mover's performance bond from \$10,000 to \$20,000.
4. Replaces the current requirement for a wrecker's and mover's indemnity bond with the requirement for a \$1,000,000 certificate of insurance.

5. Changes the requirement that the city receive notice of cancellation of insurance from the current 10 days to 60 days. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 218-1 of the code is amended to read:

218-1. Scope. The regulations in this chapter shall apply to the moving of buildings, unsafe buildings and structures, condemnation of buildings and structures, demolition, abandoned buildings [[, and to the art commission]] and are intended to supplement the provisions of s. 66.05, Wis. Stats.

Part 2. Section 218-2-1 of the code is amended to read:

218-2. Moving of Buildings. 1. PERMITS. No building or structure shall be moved without first obtaining a permit from the commissioner. When any building or structure is to be moved over any public thoroughfare, a separate permit shall also be obtained from the commissioner of public works.

>>a.<< The application for a permit shall conform to the regulations of ch. 200, and shall show the type of construction of the building or structure, its occupancy and use, its location and the intended occupancy and use in the new location.

>>b. The commissioner may require a statement from a registered architect or engineer approving and outlining the moving process for large or unusual buildings prior to issuance of the permit.<<

Part 3. Section 218-2-4 of the code is repealed.

Part 4. Section 218-2-5 of the code is renumbered 218-2-4.

Part 5. Section 218-3-0 of the code is repealed and recreated to read:

218-3. Wrecker's and Mover's Bond and Insurance.

Part 6. Section 218-3-1-a to c of the code is amended to read:

1. PERFORMANCE BOND.

a. Before any permit is issued for the moving, wrecking, razing or demolishing of a building or structure, except as provided in sub. 3, the applicant shall file with the commissioner a performance bond and [[an indemnity bond, on in lieu thereof]] a certificate of general liability insurance.

b. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety, and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of [[[\$10,000]] >>\$20,000<<, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city within a reasonable period of time, >>or within the time specified on the permit,<< and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employes or subcontractors. The corporate surety shall be authorized to execute bonds in the state of Wisconsin and have a power of attorney on file in the city attorney's office. Such bond shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium, commission, or fee, or out of the sale of furnishing of such bond.

c. Any person wishing to apply for more than one permit to wreck, raze, demolish or move structures or buildings in the city in any calendar year, in lieu of filing a separate bond for each permit, may file a bond under the same terms and conditions set forth in par. b, binding the surety to the sum of [[[\$5,000]] >>\$20,000<< for each permit issued[[, but with an annual calendar year aggregate limit of \$50,000]].

Part 7. Section 218-3-2 of the code is repealed and recreated to read:

2. INSURANCE.

a. Applicants for a wrecker's or mover's permit shall furnish the commissioner a certificate of insurance indicating the applicant holds a general liability policy in the sum of at least \$1,000,000 covering bodily injury, property damage and personal injury. The \$1,000,000 coverage shall be provided for each occurrence, for general aggregate, and for products/completed operations aggregate. The policy shall name the city as an additional insured. The applicant shall indemnify and save the city, its officers and agents, harmless against any and all claims for injuries or damages and any and all costs or expenses in connection therewith resulting or arising from any act or omission on the part of the applicant, his or her agents, employes and subcontractors. The insurer shall notify the city in writing at least 60 days prior to the cancellation of any certificate of insurance afforded hereunder, the certificate to be in full force and effect as to any permits issued prior to cancellation and all work done under said permits.

b. The insurance carrier shall be authorized to sell insurance in the state of Wisconsin and have an agent's license on file in the city attorney's office. The certificate of insurance shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium, commission or fee, or furnishing of such certificate of insurance.

Part 8. Section 218-3-3 of the code is amended to read:

3. EXCEPTION [[TO BOND PROVISIONS]]. The owner of any premises who wishes to wreck, raze or demolish a building on the premises, provided that the volume of such building or structure does not exceed 18,000 cubic feet, and there is no sewer or water service in such building connected to a private or public water or sewer system, may be granted a permit without providing the aforesaid [[indemnity and]] performance [[bonds]] >>bond and insurance<<.  
APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_  
Building Inspection  
LRB98144.3  
lme  
11/16/98