

ORDINANCE NUMBER 2-6-06
AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE NUMBER 8-15-83 AND AMENDMENT ORDINANCE NUMBER 4-3-89 REQUIRING PERMIT TO MOVE A BUILDING TO OR THROUGH THE CITY, AMENDING THE FEE SCHEDULE FOR SUCH PERMITS, LIMITING THE TIME THAT TEMPORARILY RELOCATED BUILDINGS MAY REMAIN IN THE CITY LIMITS, AND SETTING CRIMINAL PUNISHMENTS FOR VIOLATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF RAINSVILLE, ALABAMA, as follows:

Article VIII of the Rainsville Zoning Ordinance Number 8-15-83, Section 8-5 shall be, and is hereby, amended and replaced by the following:

"SECTION 8-5: Moving Permit

8-5-1 Definition of Building. A building is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes and either:

- A. Ten (10) feet or more in width; or
- B. Fifty (50) feet or more in length; or
- C. Fourteen (14) feet or more in height.

The word "building", as used in this article, shall not include a mobile home, mobile office, buildings or other structures constructed in modules or portions of a completed structure which by their design and construction are expressly made to be portable or mobile and moved from one location to another.

8-5-2 Moving Permit Required. It shall be unlawful to move any building within, to, or through the city of Rainsville by use of the public streets or roads, even if such building is to be located in a district where a building of such character is permissible, without first obtaining a Moving Permit issued by the Administrative Officer.

8-5-3 Application For Moving Permit. All applications for a Moving Permit shall be completed by the applicant on the form provided by the administrative officer and shall be accompanied by the payment of a fee according to the fee schedule hereinafter established and, if such building is to be moved to a location within the Rainsville city limits, a copy of the deed for the real estate or lot onto which such building is to be moved, a map, site plan, or other drawing on which shall be indicated the approximate location where said building is to be located and giving the approximate distances from the boundaries of the subject real estate of the proposed location site for such building.

The administrative officer shall review the application and documentation submitted therewith. If the same is properly completed, all necessary documentation has been submitted therewith, and it appears that the building, when relocated will not violate the zoning ordinance, such officer shall issue a Moving Permit with such conditions as shall be pertinent to the circumstances described in the application and the use district in which such building is to be placed, and shall state a time limit on the face of the permit, not to exceed six (6) months, after which such permit shall expire. Any such building moved following the issuance of a Moving Permit and to be permanently relocated on a site within the Rainsville city limits shall not be deemed to have complied with the provisions of this ordinance until such building is permanently relocated on the real estate or lot to which it is moved and this act must be completed within the time stated on the face of the Moving Permit. The term "permanently relocated" shall mean such building has been placed upon a foundation or permanent supports, connected to water, electricity, sewer (where available), or septic tank (where sewer not available) and is available for use or habitation. Failure to abide by the provisions of the zoning ordinance shall cause such building to be non-conforming to this zoning ordinance and shall be a violation thereof. Failure to abide by all special provisions on the face of the permit within the time limit of said permit shall be a criminal violation as set out below.

If any application for a Moving Permit is denied, the administrative officer shall write the reasons for such denial either on the face or the reverse side of said application and a copy of the same shall be given to the applicant.

Following the expiration date of any Moving Permit, the administrative officer shall inspect the premises described in the application and the Moving Permit to ensure compliance with each and every condition of the Moving Permit as well as this and every other Rainsville ordinance. If the administrative officer determines that there has been, or is, a violation of the terms of the Moving Permit or any city ordinance, then the administrative officer shall issue the offender written notice of same, report such violation to the City Council and shall take such action as may be necessary to remedy such violation, including but not limited to causing the removal of the building from the premises where it is located.

Before such building may be occupied, the landowner shall first obtain a Certificate of Occupancy as required by Section 8-3 of this ordinance, as amended.

8-5-4 Moving Permit Fee. The fee for moving a building to be relocated, whether permanently or temporarily, to a location within the Rainsville city limits for a period in excess of twenty-four (24) hours shall be One Hundred Dollars (\$100.00). The fee for moving a building to be relocated to a location outside of the Rainsville city limits, whether originating from within or without the Rainsville city limits, shall be Fifty Dollars (\$50.00). The city council may from time to time revise and amend this schedule of fees by unanimous consent, resolution, ordinance or such other permissible means and the most current fee schedule shall be on file in the office of the clerk and the office of the administrative officer.

8-5-5 Temporary Relocation of Buildings. It shall be unlawful to keep and maintain a moved or relocated building on any land or property within the Rainsville city limits for a period in excess of One Hundred Eighty (180) days without such building

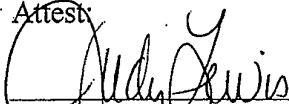
being permanently relocated, regardless of whether such building was moved pursuant to an otherwise valid Moving Permit.

8-5-6 Penalty For Violation. Any person, firm, company, corporation, or agent thereof who violates any provision of this Moving Permit ordinance shall be guilty of an offense against the City of Rainsville and shall, upon conviction, be punished by a fine in an amount not exceeding Five Hundred Dollars (\$500.00), be sentenced to jail for a period not to exceed six (6) months, be ordered to pay restitution in the amount of the Moving Permit fee set out in Section 8-5-4 above, together with court costs, or be fined, sentenced to jail, and ordered to pay restitution and court costs, at the discretion of the Court deciding the case."

Adopted this 6th day of February, 2006.

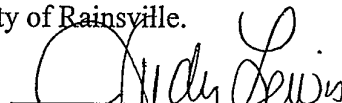

DONNIE CHANDLER, Mayor

Attest


JUDY LEWIS, Clerk

CLERK'S CERTIFICATE

I hereby certify that Ordinance No. 2-6-06 was published on the 6th day of February, 2006, by publication of the same in The Weekly Post, a newspaper of general circulation in the City of Rainsville.


JUDY LEWIS, Clerk

APPLICATION FOR MOVING BUILDING
AUTHORITY: CITY OF RAINSVILLE
ORDINANCE # _____

THE UNDERSIGNED DOES HEREBY APPLY TO THE ADMINISTRATIVE OFFICE OF THE CITY OF RAINSVILLE FOR A PERMIT, AS AUTHORIZED BY SECTION 8-5 OF THE ZONING ORDINANCE, TO MOVE THE FOLLOWING BUILDING THROUGH OR INTO THE CITY LIMITS OF THE CITY OF RAINSVILLE, AND SUBMIT THE FOLLOWING IN SUPPORT OF THIS APPLICATION:

(1) DESCRIBE BUILDING: _____

(2) STREET ADDRESS OF LOT OR LAND WHERE BUILDING CURRENTLY LOCATED: _____

(3) STREET ADDRESS OF LOT OR LAND WHERE BUILDING IS TO BE LOCATED: _____

(ATTACH COPY OF DEED, MAP, SITE PLAN AND/OR OTHER DRAWING).

(4) THE DESTINATION LAND OR LOT IS IN THE FOLLOWING USE DISTRICT:
CIRCLE ONE: R1 R2 R3 B1 B2 B3 M1 AG OTHER: _____

(5) WHAT IS THE PURPOSE OF BUILDING WHEN LOCATED WITHIN CITY: _____

(6) IF A MAP, PLAT, OR OTHER DRAWING SHOWING WHERE BUILDING IS TO BE PERMANENTLY RELOCATED, PLEASE SKETCH AND GIVE APPROXIMATE DISTANCES FROM OTHER MAIN STRUCTURES, ROADWAYS, FENCES, LOT LINES, ETC.

(7) THE STRUCTURE WILL BE MOVED INTO OR THROUGH THE CITY ON THE ____ DAY OF _____, _____. IF PERMANENTLY RELOCATED WITHIN CITY LIMITS, RELOCATION WILL BE COMPLETE IN ALL ASPECTS WITHIN 30 DAYS OF BEING PLACED ON LOT OR LAND. THIS INCLUDES PERMANENT FOUNDATION AND ATTACHMENT TO WATER (WELL OR CITY), SEWER (WHERE AVAILABLE) OR SEPTIC TANK, AND ELECTRICITY.

(8) RAINSVILLE CITY BUSINESS LICENSE DATE AND NUMBER OF PERSON OR ENTITY MOVING BUILDING: _____

ADDRESS OF APPLICANT: _____
HOME PHONE: _____ WORK PHONE: _____

COMPLETE THIS APPLICATION AND RETURN TO THE CITY CLERK OR ADMINISTRATIVE OFFICER AT THE CITY HALL WITH APPLICATION FEE.

DATE RECEIVED AT CITY HALL: _____ DAY OF _____, _____.

APPLICANT SIGNATURE

ADMINISTRATIVE OFFICER/CLERK