

ORDINANCE NO. 2008-30

**AN ORDINANCE AMENDING CITY CODE SECTION
520 REGARDING BUILDING MOVES**

The City of Minnetonka Ordains:

Section 1. City code section 520.019 is amended as follows:

520.019. Public Hearing.

After receipt of a completed application for moving a building to a location within the city, a date must be set for a public hearing before the city council. Not less than 10 days before the public hearing, the city must publish notice in the official newspaper and send notice by mail to the applicant and to the owners of all properties located wholly or partially within 400 feet from the boundaries of the land on which the building or structure will be located. The notice must provide the time, date, and location of the public hearing at which the application will be considered and must invite public comment. The city council must hold the public hearing before acting on the application.

(Added by Ord. 2006-24, adopted December 18, 2006)

520.020. Permit Issuance.

1. The city council may grant a moving permit only after holding the public hearing and only with an affirmative vote of at least two-thirds of the council members. The city council may refuse to issue the moving permit if it finds that:

- a. a requirement has not been met;
- b. the building is too large to move or that no routes are available to be used without endangering persons or property or seriously inconveniencing traffic in the city. Limited vegetation trimming or removal may be allowed in the permit;
- c. the proposed route includes use of private property, and no consent from the owner has been obtained;
- d. people or property in the city would be endangered by moving the building;
- ~~e. the building is structurally unsafe or unfit for the purpose for which moved, if the proposed location is in the city;~~
- e. the proposed building mover's equipment is unsafe, and persons and

The ~~stricken~~ language is deleted; the underlined language is inserted.

property would be endangered by its use;

~~gf.~~ the proposed building mover does not have a current license issued by the state under Minn. Stat. § 221.81;

~~hg.~~ the proposed building mover has been shown to be unreliable and irresponsible in complying with city requirements;

h. the building is structurally unsafe or unfit for the purpose for which moved;

i. the building to be moved is not worth at least 50 percent of the cost of a similar new building;

j. the building in the proposed location in the city would fail to comply with a provision of this code, and proper assurances of future compliance have not been given; or

k. the building in the proposed location in the city would not conform to the general character of, and the types of architecture in, the neighborhood.

2. Applications to move a building out of the city will be acted upon by the community development director. The director may deny an application based on the criteria listed in paragraph 1, except subparagraphs h through k.

~~23.~~ The permit must specify the permitted days, hours, route, movement, parking, speed limit, and vegetation removal for the proposed move.

~~34.~~ The city council or the community development director may impose additional conditions or requirements in the permit.

~~45.~~ The issuance of a city permit does not relieve the obligation to obtain required permits from other governmental agencies and does not permit the use of private property except when consent of the landowner has been received.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on October 13, 2008.

Janis A. Callison, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: September 29, 2008
Date of adoption: October 13, 2008
Motion for adoption: Wiersum
Seconded by: Wagner
Voted in favor of: Callison, Ellingson, Hiller, Schneider, Wagner, Wiersum
Voted against:
Abstained:
Absent: Allendorf
Ordinance adopted.

| Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on October 13, 2008.

David E. Maeda, City Clerk