

(O-90-93)

ORDINANCE NUMBER O- 17415 (NEW SERIES)
ADOPTED ON JAN 22 1990

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 85, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF DIVISION 85, BY REPEALING SECTIONS 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508, 91.8509 AND 91.8510, AND BY ADDING SECTIONS 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 AND 91.8509, RELATING TO REMOVAL, RELOCATION, AND TRANSPORTATION OF STRUCTURES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 1, Division 85, of the San Diego Municipal Code is hereby amended by amending the title of Division 85 to read as follows:

DIVISION 85

REMOVAL, RELOCATION, AND TRANSPORTATION OF STRUCTURES

Section 2. That Chapter IX, Article 1, Division 85 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508, 91.8509 and 91.8510.

Section 3. That Chapter IX, Article 1, Division 85 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 and 91.8509, to read as follows:

SEC. 91.8501 PURPOSE AND INTENT

The purpose and intent of this Division is to provide for the protection of the public health and safety by establishing procedures and requirements regulating the removal, transportation, and relocation of structures within the City of San Diego.

SEC. 91.8502 DEFINITIONS

For purposes of this Division, the following definitions shall apply:

(a) **Relocate:** The process of placing an existing structure, which has been transported from a different location, permanently onto real property for purposes other than storage.

(b) **Remove:** To change location, position, station, or residence by pushing aside, shifting, raising, dislocating, dislodging or taking away by means other than demolition.

(c) **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(d) **Transport:** An act or process of conveyance or travel from one place to another.

**SEC.91.8503 PERMITS REQUIRED FOR REMOVAL,
TRANSPORTATION, AND RELOCATION OF
STRUCTURES; EXEMPTION**

(a) **Removal Permit:** No structure shall be removed from its site until a separate Removal Permit for each

structure has first been obtained from the Building Official.

The removal work shall include, but is not limited to, the following: All water, sewer, gas, communication, and electrical connections to the structure must be disconnected and sealed or removed in a manner approved by the Building Official; abandoned sewers and private sewage disposal facilities shall be capped or removed in accordance with the Uniform Plumbing Code currently adopted by the City; the foundation and other pieces or parts of the structure remaining after the removal of all or part of a structure shall be removed from the site and disposed of in a manner approved by the Building Official; any excavations or depressions remaining after the structure is removed and any attendant demolition work is completed shall be filled, compacted and restored to the level of the adjacent ground in a manner approved by the Building Official. A Land Development Permit may also be required for this work.

(b) Transportation Permit: No structure shall be transported on, across or over the public right-of-way until a Transportation Permit has been obtained from the City Engineer, in accordance with Section 85.22 of the Municipal Code, for each structure transported. When a Removal or Relocation Permit is required, the Transportation Permit shall not be issued until the

Relocation or Removal permit has first been issued by the Building Official.

(c) Relocation Permit: No structure shall be relocated to any site within the City of San Diego unless a separate Relocation Permit for each structure has first been obtained from the Building Official.

The work authorized by the Relocation Permit shall include, but is not limited to, the construction of the foundation and other members needed to support the relocated structure, any necessary repairs to the structure and other work which the applicant wishes to perform on the structure.

(d) Exemption: A separate Removal Permit and a separate Relocation Permit will not be required to remove and relocate garages, carports and sheds that are accessory to a single family residential dwelling when a Removal Permit and a Relocation Permit have been obtained for that dwelling. However, the work associated with the foundation, repairs, and improvements to these structures shall be included with the Relocation Permit for the primary structure. A Removal Permit or a Relocation Permit will not be required for structures listed in the Exempted Work Subsection of Section 91.0301 for which a building permit is not required.

SEC. 91.8504 EXAMINATION OF STRUCTURES AND FEES

(a) Examination of Non-Residential Structures:

Relocation Permit applicants are required to obtain a Pre-relocation Examination for nonresidential structures. The request for the "Pre-relocation Examination" shall be submitted with the application for the Relocation Permit. The Building Official shall examine the structure and the proposed site for the structure and shall review the plans and specifications to determine if the structure will comply with the regulations applicable to a new structure.

The applicant shall be notified by mail of the results of the Pre-relocation Examination, the conditions imposed by the Building Official if it is determined that the structure may be relocated, and the amount of the security required by Section 91.8507.

(b) Examination of Residential Structures:

Relocation Permit applicants are required to have a Pre-relocation Examination performed for residential structures. The request for the "Pre-relocation Examination" shall be filed together with the application for the Relocation Permit. The Building Official shall examine the structure and the proposed site for the structure and shall review the plans and specifications to ensure that the structure is not "substandard" as defined in California Health and Safety Code Section 17920.3.

The applicant shall be notified by mail of the results of the examination, the conditions imposed if it is determined that the structure may be relocated, and the amount of security required by Section 91.8507.

If it is determined that the structure is substandard, no permit shall be issued until the plans are revised to include additional work which will eliminate the substandard condition.

(c) Examination of Structures to be Stored: A pre-relocation examination will not be required for any structure which is to be placed at an approved storage site. "Approved storage site", for the purposes of this Division, shall be defined as a location for which the storage of structures is a permitted use in accordance with Chapter X of the Municipal Code.

(d) Departmental Review: In addition to the examination requirements of subsection (a) and (b), the plans will also be reviewed by other City departments to verify compliance with any applicable laws under their jurisdiction, including those rules and regulations pertaining to Planned District Ordinances, historical structures, landmarks, and without limitation, any other applicable regulations.

(e) General and Examination Fees: All applicants requesting a Removal, Transportation, or Relocation Permit, pursuant to Section 91.8503, shall be required to pay to the City the applicable permit and other

associated fees. In addition to the permit fees, an applicant requesting a Relocation Permit and Pre-relocation Examination, shall be required to pay a Pre-relocation Examination fee.

The plan check and Pre-relocation Examination fees shall be paid at the time applicant files the permit application(s), plans, and specifications for review. The amount of the fees shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk. If, after receipt of a written request for a refund, the Building Official finds that an examination was not performed, the unexpended portion of the examination fee paid may be returned to the applicant. The Building Official shall determine the portion of the fee that is refundable.

SEC. 91.8505 PERMIT ISSUANCE

If the plans, specifications and application for a Removal, Transportation, or Relocation Permit comply with the applicable provisions of the Municipal Code, the Building Official shall issue the requested permit.

SEC. 91.8506 EXPIRATION OF PERMITS AND DEFAULT

Notwithstanding any other provision of the Municipal Code which provides to the contrary, the following permit expiration provisions shall apply to Removal and Relocation Permits:

(a) Permit extensions will not be granted for Removal and Relocation Permits.

(b) When the proposed work authorized and required by a Removal or Relocation Permit has not commenced and the permit has expired the project shall be deemed to be abandoned. Upon receipt of written confirmation from the permittee that the proposed Removal or Relocation work has not commenced and will not be commenced, the Surety Bond required by Section 91.8507 may be returned to the permittee.

(c) **Removal Permit:** A Removal Permit shall expire if all the work authorized and required by such permit is not completed and approved within ninety (90) days from the date of permit issuance.

Upon expiration of the Removal Permit the Building Official shall notify the Permittee, Owner and the Surety that the Removal Permit has expired. Service of such notice shall be made in accordance with the notice provisions of Chapter I of the Municipal Code. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.

The Permittee, Owner or Surety shall obtain a new permit within thirty (30) days after the original permit has expired. The new Removal Permit is not renewable.

If the Permittee, Owner or Surety fails to obtain a new Removal Permit within thirty (30) days after the original permit has expired, or if the work is not

completed when the new permit expires, a default shall be deemed to have occurred.

The Building Official shall, in accordance with the notice provisions of Chapter I of the Municipal Code notify the Surety of the occurrence of a default. Upon notification, the Surety shall be obligated to comply with the conditions of the bond which require timely obtaining a Relocation or Removal Permit and timely completion of the work.

(d) Relocation Permit: A Relocation Permit shall expire if all the work authorized and required by such permit is not completed and approved within one hundred eighty (180) days from the date of permit issuance.

Upon expiration of the Relocation Permit, the Building Official shall notify the Permittee, Owner and the Surety that the permit has expired. Service of such notice shall be made in accordance with the notice provisions of Chapter I of the Municipal Code. Failure to do so, however, shall not extend the permit or otherwise validate an expired permit.

The Permittee, Owner or Surety shall obtain a new permit within thirty (30) days after the original permit has expired. The new Relocation Permit is not renewable.

If the Permittee, Owner or Surety fails obtain a new Relocation Permit within thirty (30) days after the original permit has expired, or if the work is not

completed when the new permit expires, a default shall be deemed to have occurred.

The Building Official shall, in accordance with the notice provisions of Chapter I of the Municipal Code notify the Surety of the occurrence of a default. Upon notification, the Surety shall be obligated to comply with the conditions of the bond which require timely obtaining a Relocation or Removal Permit and timely completion of the work.

SEC. 91.8507 SECURITY REQUIREMENTS

(a) Before the Building Official issues a Removal or Relocation Permit the applicant shall first be required to deposit with the City of San Diego a Surety bond, issued by a Surety company authorized to do business in the State of California, or other form of security, approved by the City Manager and the City Attorney. The security shall be in an amount equal to the actual cost of the work to be performed plus twenty-five percent (25%) of that amount to insure the satisfactory performance and completion of such work. The actual cost of the work shall be determined by the Building Official.

(b) If the performance of the work is secured by a surety bond, such bond shall be conditioned that upon the occurrence of a default:

1. The Surety is obligated to obtain a Relocation or Removal Permit within 30 days of the of the date of the default, and

2. The Surety is obligated to complete the work in accordance with the permitted set of plans.

(c) The Surety bond shall also be conditioned as follows:

1. The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego.

2. All permitted work shall be completed in accordance with the approved plans and the requirements of Section 91.8506.

3. The Permittee, Owner and Surety shall hold the City, its officers, employees, agents and contractors harmless from any liability in connection with the proposed work or the abatement of the structure and any related work.

4. The bond shall obligate the Permittee, Owner and Surety to repair damage occurring on the public right-of-way as a result of removing, transporting, or relocating a structure.

5. The bond shall contain any other provisions that the Building Official and City Attorney deem necessary and proper to secure the satisfactory completion of the permitted work and which may include the abatement of the structure or condition, in accordance with, but not limited by the provisions contained in Chapter I of the Municipal Code.

(d) If the performance of the work is secured by any other form of security, such security shall be conditioned as required in the case of a Surety bond. The form, content, and execution of the Surety Bond or other form of security shall be approved by the City Attorney and the City Manager.

(e) No security shall be required from the State of California, political subdivisions thereof or any governmental agency.

(f) If the Surety does not timely perform its obligations the Building Official at its option may elect not to proceed against the bond, but rather to abate the structure or condition, and recover the City's costs, in accordance with, but not limited by the provisions contained in Chapter I of the Municipal Code.

SEC. 91.8508 ADDITIONAL REGULATIONS

(a) The removal, transportation and relocation of structures shall be subject to the following additional regulations.

1. No structure shall be transported, parked or placed on any public or private owned premises or right-of-way unless authorized to do so by a valid Removal, Transportation or Relocation Permit;

2. Structures shall not be stored on property which is not designated as an "approved storage site";

3. Any structure which has been damaged, had portions removed, been cut into sections or otherwise structurally altered subsequent to the examination required in Section 91.8504 may be considered a substandard structure or a nuisance and may be abated in accordance with This Code;

4. All transported structures shall be posted with a valid original Transportation Permit near the main entrance of the structure;

5. All structures located upon any street shall have an illuminated warning device placed at each corner of such structure and at the end of any projection thereof at all times between sunset and sunrise;

6. The Building Official may also promulgate administrative regulations deemed necessary to effectively implement this Division.

(b) All structures found to be in violation of this Section may be abated in accordance with the Summary and Administrative Abatement provisions of This Code.

SEC. 91.8509 PENALTIES

In addition to any other applicable penalties and remedies provided by the Municipal Code, City ordinance, or City policy, including the Summary and Administrative Abatement Provision and the Civil Penalties Ordinance, any violation of this division shall be subject to the following regulations:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Division shall constitute a misdemeanor in accordance with Chapter I of the Municipal Code.

Each person shall be charged with a separate offense for each day during any portion of which any violation of any provision of this Division is committed, continued, or permitted by such person.

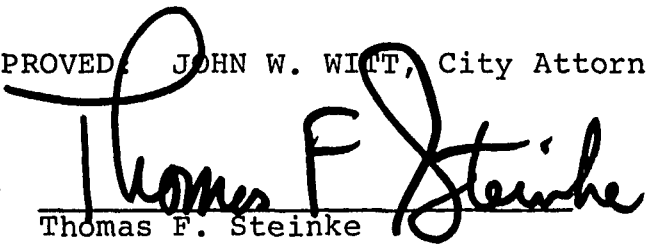
All of the penalties provided in and referenced by this section shall be cumulative and not exclusive.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 5. Applications for Removal, Relocation, and Transportation permits filed with The City of San Diego prior to the effective date of this ordinance shall be exempt from its provisions.

APPROVED JOHN W. WITT, City Attorney

By


Thomas F. Steinke
Deputy City Attorney

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Corrected page 12/21/89

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CITY CLERKS OFFICE
SAN DIEGO, CA

NEW LANGUAGE - UNDERLINED

DIVISION 85

REMOVAL, RELOCATION, AND TRANSPORTATION OF STRUCTURES

SEC. 91.8501 PURPOSE AND INTENT

The purpose and intent of this Division is to provide for the protection of the public health and safety by establishing procedures and requirements regulating the removal, transportation, and relocation of structures within the City of San Diego.

SEC. 91.8502 DEFINITIONS

For purposes of this Division, the following definitions shall apply:

(a) Relocate: The process of placing an existing structure, which has been transported from a different location, permanently onto real property for purposes other than storage.

(b) Remove: To change location, position, station, or residence by pushing aside, shifting, raising, dislocating, dislodging or taking away by means other than demolition.

(c) Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(d) Transport: An act or process of conveyance or travel from one place to another.

SEC.91.8503 PERMITS REQUIRED FOR REMOVAL, TRANSPORTATION, AND RELOCATION OF STRUCTURES; EXEMPTION

(a) Removal Permit: No structure shall be removed from its site until a separate Removal Permit for each structure has first been obtained from the Building Official.

The removal work shall include, but is not limited to, the following: All water, sewer, gas, communication, and electrical connections to the structure must be disconnected and sealed or removed in a manner approved by the Building Official; abandoned sewers and private sewage disposal facilities shall be capped or removed in accordance with the Uniform Plumbing Code currently adopted by the City; the foundation and other pieces or parts of the structure remaining after the removal of all or part of a structure shall be removed from the site and disposed of in a manner approved by the Building Official; any excavations or depressions remaining after the structure is removed and any attendant demolition work is completed shall be filled, compacted and restored to the level of the adjacent ground in a manner approved by the Building Official. A Land Development Permit may also be required for this work.

(b) Transportation Permit: No structure shall be transported on, across or over the public right-of-way until a Transportation Permit has been obtained from the City Engineer, in accordance with Section 85.22 of the Municipal Code, for each structure transported. When a Removal or Relocation Permit is required,

the Transportation Permit shall not be issued until the Relocation or Removal permit has first been issued by the Building Official.

(c) Relocation Permit: No structure shall be relocated to any site within the City of San Diego unless a separate Relocation Permit for each structure has first been obtained from the Building Official.

The work authorized by the Relocation Permit shall include, but is not limited to, the construction of the foundation and other members needed to support the relocated structure, any necessary repairs to the structure and other work which the applicant wishes to perform on the structure.

(d) Exemption: A separate Removal Permit and a separate Relocation Permit will not be required to remove and relocate garages, carports and sheds that are accessory to a single family residential dwelling when a Removal Permit and a Relocation Permit have been obtained for that dwelling. However, the work associated with the foundation, repairs, and improvements to these structures shall be included with the Relocation Permit for the primary structure. A Removal Permit or a Relocation Permit will not be required for the structures listed in the Exempted Work Subsection of Section 91.0301 for which a building permit is not required.

SEC. 91.8504 EXAMINATION OF STRUCTURES AND FEES

(a) Examination of Non-Residential Structures: Relocation Permit applicants are required to obtain a Pre-relocation Examination for nonresidential structures. The request for the

"Pre-relocation Examination" shall be submitted with the application for the Relocation Permit. The Building Official shall examine the structure and the proposed site for the structure and shall review the plans and specifications to determine if the structure will comply with the regulations applicable to a new structure.

The applicant shall be notified by mail of the results of the Pre-relocation Examination, the conditions imposed by the Building Official if it is determined that the structure may be relocated, and the amount of the security required by Section 91.8507.

(b) Examination of Residential Structures: Relocation Permit applicants are required to have a Pre-relocation Examination performed for residential structures. The request for the "Pre-relocation Examination" shall be filed together with the application for the Relocation Permit. The Building Official shall examine the structure and the proposed site for the structure and shall review the plans and specifications to ensure that the structure is not "substandard" as defined in California Health and Safety Code Section 17920.3.

The applicant shall be notified by mail of the results of the examination, the conditions imposed if it is determined that the structure may be relocated, and the amount of security required by Section 91.8507.

If it is determined that the structure is substandard, no permit shall be issued until the plans are revised to include additional work which will eliminate the substandard condition.

(c) Examination of Structures to be Stored: A pre-relocation examination will not be required for any structure which is to be placed at an approved storage site. "Approved storage site", for the purposes of this Division, shall be defined as a location for which the storage of structures is a permitted use in accordance with Chapter X of the Municipal Code.

(d) Departmental Review: In addition to the examination requirements of subsection (a) and (b), the plans will also be reviewed by other City departments to verify compliance with any applicable laws under their jurisdiction, including those rules and regulations pertaining to Planned District Ordinances, historical structures, landmarks, and without limitation, any other applicable regulations.

(e) General and Examination Fees: All applicants requesting a Removal, Transportation, or Relocation Permit, pursuant to Section 91.8503, shall be required to pay to the City the applicable permit and other associated fees. In addition to the permit fees, an applicant requesting a Relocation Permit and Pre-relocation Examination, shall be required to pay a Pre-relocation Examination fee.

The plan check and Pre-relocation Examination fees shall be paid at the time applicant files the permit application(s), plans, and specifications for review. The amount of the fees shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk. If, after receipt of a written request for a refund, the Building Official finds that an examination was

not performed, the unexpended portion of the examination fee paid may be returned to the applicant. The Building Official shall determine the portion of the fee that is refundable.

SEC. 91.8505 PERMIT ISSUANCE

If the plans, specifications and application for a Removal, Transportation, or Relocation Permit comply with the applicable provisions of This Code, the Building Official shall issue the requested permit.

SEC. 91.8506 EXPIRATION OF PERMITS AND DEFAULT

Notwithstanding any other provision of the Municipal Code which provides to the contrary, the following permit expiration provisions shall apply to Removal and Relocation Permits:

(a) Permit extensions will not be granted for Removal and Relocation Permits.

(b) When the proposed work authorized and required by a Removal or Relocation Permit has not commenced and the permit has expired the project shall be deemed to be abandoned. Upon receipt of written confirmation from the permittee that the proposed Removal or Relocation work has not commenced and will not be commenced, the Surety Bond required by Section 91.8507 may be returned to the permittee.

(c) Removal Permit: A Removal Permit shall expire if all the work authorized and required by such permit is not completed and approved within ninety (90) days from the date of permit issuance.

Upon expiration of the Removal Permit the Building Official shall notify the Permittee, Owner and the Surety that the Removal

Permit has expired. Service of such notice shall be made in accordance with the notice provisions of Chapter I of the Municipal Code. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.

The Permittee, Owner or Surety shall obtain a new permit within thirty (30) days after the original permit has expired. The new Removal Permit is not renewable.

If the Permittee, Owner or Surety fails to obtain a new Removal Permit within thirty (30) days after the original permit has expired, or if the work is not completed when the new permit expires, a default shall be deemed to have occurred.

The Building Official shall, in accordance with the notice provisions of Chapter I of the Municipal Code notify the Surety of the occurrence of a default. Upon notification, the Surety shall be obligated to comply with the conditions of the bond which require timely obtaining a Relocation or Removal Permit and timely completion of the work.

(d) Relocation Permit: A Relocation Permit shall expire if all the work authorized and required by such permit is not completed and approved within one hundred eighty (180) days from the date of permit issuance.

Upon expiration of the Relocation Permit, the Building Official shall notify the Permittee, Owner and the Surety that the permit has expired. Service of such notice shall be made in accordance with the notice provisions of Chapter I of the Municipal Code. Failure to do so, however, shall not extend the permit or otherwise validate an expired permit.

The Permittee, Owner or Surety shall obtain a new permit within thirty (30) days after the original permit has expired. The new Relocation Permit is not renewable.

If the Permittee, Owner or Surety fails obtain a new Relocation Permit within thirty (30) days after the original permit has expired, or if the work is not completed when the new permit expires, a default shall be deemed to have occurred.

The Building Official shall, in accordance with the notice provisions of Chapter I of the Municipal Code notify the Surety of the occurrence of a default. Upon notification, the Surety shall be obligated to comply with the conditions of the bond which require timely obtaining a Relocation or Removal Permit and timely completion of the work.

SEC. 91.8507 SECURITY REQUIREMENTS

(a) Before the Building Official issues a Removal or Relocation Permit the applicant shall first be required to deposit with the City of San Diego a Surety bond, issued by a Surety company authorized to do business in the State of California, or other form of security, approved by the City Manager and the City Attorney. The security shall be in an amount equal to the actual cost of the work to be performed plus twenty-five percent (25%) of that amount to insure the satisfactory performance and completion of such work. The actual cost of the work shall be determined by the Building Official.

(b) If the performance of the work is secured by a surety bond, such bond shall be conditioned that upon the occurrence of a default:

1. The Surety is obligated to obtain a Relocation or Removal Permit within 30 days of the of the date of the default, and

2. The Surety is obligated to complete the work in accordance with the permitted set of plans.

(c) The Surety bond shall also be conditioned as follows:

1. The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego.

2. All permitted work shall be completed in accordance with the approved plans and the requirements of Section 91.8506.

3. The Permittee, Owner and Surety shall hold the City, its officers, employees, agents and contractors harmless from any liability in connection with the proposed work or the abatement of the structure and any related work.

4. The bond shall obligate the Permittee, Owner and Surety to repair damage occurring on the public right-of-way as a result of removing, transporting, or relocating a structure.

5. The bond shall contain any other provisions that the Building Official and City Attorney deem necessary and proper to secure the satisfactory completion of the permitted work and which may include the abatement of the structure or condition, in accordance with, but not limited by the provisions contained in Chapter I of the Municipal Code.

(d) If the performance of the work is secured by any other form of security, such security shall be conditioned as required

in the case of a Surety bond. The form, content, and execution of the Surety Bond or other form of security shall be approved by the City Attorney and the City Manager.

(e) No security shall be required from the State of California, political subdivisions thereof or any governmental agency.

(f) If the Surety does not timely perform its obligations the Building Official at its option may elect not to proceed against the bond, but rather to abate the structure or condition, and recover the City's costs, in accordance with, but not limited by the provisions contained in Chapter I of the Municipal Code.

SEC. 91.8508 ADDITIONAL REGULATIONS

(a) The removal, transportation and relocation of structures shall be subject to the following additional regulations.

1. No structure shall be transported, parked or placed on any public or private owned premises or right-of-way unless authorized to do so by a valid Removal, Transportation or Relocation Permit;

2. Structures shall not be stored on property which is not designated as an "approved storage site";

3. Any structure which has been damaged, had portions removed, been cut into sections or otherwise structurally altered subsequent to the examination required in Section 91.8504 may be considered a substandard structure or a nuisance and may be abated in accordance with This Code;

4. All transported structures shall be posted with a valid original Transportation Permit near the main entrance of the structure;

5. All structures located upon any street shall have an illuminated warning device placed at each corner of such structure and at the end of any projection thereof at all times between sunset and sunrise;

6. The Building Official may also promulgate administrative regulations deemed necessary to effectively implement this Division.

(b) All structures found to be in violation of this Section may be abated in accordance with the Summary and Administrative Abatement provisions of This Code.

SEC. 91.8509 PENALTIES

In addition to any other applicable penalties and remedies provided by the Municipal Code, City Ordinance, or City policy, including the Summary and Administrative Abatement and the Civil Penalties Ordinance, any violation of this division shall be subject to the following regulations:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Division shall constitute a misdemeanor in accordance with Chapter I of the Municipal Code.

Each person shall be charged with a separate offense for each day during any portion of which any violation of any provision of this Division is committed, continued, or permitted by such person.

All of the penalties provided in and referenced by this section shall be cumulative and not exclusive.

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Corrected page 12/21/89

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OLD LANGUAGE - CROSSED OUT

DIVISION 5
Moving of Structures
(Added 11-2-87 by 0-16970 N.S.)

SEC. 91.0501 Moving of Structures -- Permit Required

No person shall move any structure or cause the same to be done without first obtaining and having then in effect a valid moving permit therefor for each such structure. If a structure is being moved to a location within the City of San Diego the person moving or causing the same to be done shall make application for and obtain a building permit covering the required alterations, repairs and foundations. No such building permit shall be required for the moving of a structure to a storage lot for resale. A moving permit will be required for the moving of any structure owned by the State of California, any political subdivision thereof, and any governmental agency.

No permit shall be issued to relocate any structure which after inspection by the Building Official has been determined by him to be so constructed, or in such condition as to be structurally unsound; provided, however, that if the condition of the structure in the judgment of the Building Official admits of practicable and effective repair the permit may be issued.

(Added and Amended 3-16-71

March 16, 1971 by 0-10523 N.S.)

0-17415

SEC. 91.0502 Moving of Structures -- Move Examination/Fee

A person moving any structure within or into the City, or causing the same to be done, shall file a request for a Move Examination together with the application for the Building Permit, as required in Section 91.0501. The Building Official shall examine the old and new locations and structures and shall review the plans and specifications after such examination. The applicant shall be notified by mail of the results of the Move Examination and the City's requirements, if any, in addition to those contained in the plans and specifications. If the applicant does not apply for and obtain the House Moving Permit and Building Permit within 90 days of such notice, he shall be required to request a Move Reexamination and pay the reexamination fee. The move examination fees shall be payable in advance and shall be established by resolution of the City Council and filed in the office of the City Clerk. A portion of the move examination fee paid as determined by the City Council and filed in the office of the City Clerk, may be refunded provided no inspections have been made and no plan checking has been performed.

(Added and amended 3-16-71 by O-10523 N.S.)

(Amended 4-2-79 by O-12619 N.S.)

(Amended 9-27-82

September 27, 1982 by O-15823 N.S.)

SEC. 91.0503 Moving of Structures -- Filing Application

The applicant shall file an application for Moving Permit on a form furnished for that purpose. The applicant shall also complete the application for a Building Permit filed at the time of the request for the Move Examination, and shall correct the plans and specifications in accordance with any additional requirements so that the structure when completed will conform to the requirements of this Code. The application for the Moving Permit shall:

(a) Give the street address and the legal description of the property from which and to which the structure will be moved and the proposed route of such moving.

(b) Be signed by the applicant or his authorized agent, who may be required to submit evidence to indicate such authority.

(c) Be accompanied by a satisfactory performance bond as hereinafter required.

(d) Be accompanied by a policy of public liability and property damage insurance as hereinafter required.

(e) Furnish such other information as may be required by the City Manager.

Every application for a Moving Permit shall be referred by the Building Official to the Chief of Police and Chief of the Fire Department for their approval.

(Added and Amended 3-16-71

March 16, 1971 by 0-10523 N.S.)

SEC. 91.0504 Moving of Structures -- Issuance of Permits

If the plans and specifications comply with the provisions of this Code, and the application for the Moving Permit has been approved by the Chief of Police and the Chief of the Fire Department, the Building Official shall issue the Moving Permit and the Building Permit.

Notwithstanding plumbing code requirements for permits, all sewer, gas and water connections must be capped and approval obtained from the Building Official prior to covering such connections. Sewer, gas and water line capping shall be performed in the manner prescribed by the Uniform Plumbing Code; such capping shall be located within five feet of the property line.

(Added and Amended 3-16-71

March 16, 1971 by 0-10523 N.S.)

SEC. 91.0505 Moving of Structures -- Expiration of Permits

The Moving Permit and the Building Permit covering the required alterations, repairs and foundations issued by the Building Official under the provisions of this Article shall expire by limitation and become null and void if the work authorized by such permits is not commenced within 30 days from the date of such permits or, if the work so authorized is not completed within 90 days from the date of such permits. Upon application by the permittee the Building Official is authorized to extend such completion date one additional period of 60 days for good cause.

(Added and Amended 3-16-71

March 16, 1971 by 0-10523 N.S.)

SEC. 91.0506 Moving of Structures -- Bond Required

No person shall move a structure within the City or cause the same to be done unless he shall first have filed with The City of San Diego a bond in an amount equal to the approved valuation of the cost of the required alterations, repairs and foundations, plus 25 percent to insure the satisfactory performance and completion of such work. Such bond shall be issued by a surety company authorized to do business in the State of California. The bond shall be approved by the City Manager and the City Attorney. In lieu of a surety bond the permittee may post a bond executed by the owner of the premises as principal, and which is secured by a deposit of cash in the amount named above and conditioned as required in the case of a surety bond.

The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego and be conditioned upon the completion of the exterior alterations, repairs and foundations in accordance with the plans and specifications within the period of time or extension thereof as provided in Section 91.0505. The bond shall be conditioned upon the payment to the City of any costs incurred by it in completing such work in accordance with the plans and specifications, or in employing a private contractor to complete such work. Whenever the City Manager shall find that a default has occurred in the performance of any term or condition of the work authorized by the permit, written notice thereof shall be given to the principal and the surety of the bond. Such notice shall state the work remaining to be done, the estimated cost of completion thereof and the period of time deemed by the City Manager to be reasonably necessary for the completion of such work. After receipt of such notice the principal or the surety must within the time specified either cause the required work to be performed or, failing therein, deposit with The City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 25 percent of such cost.

In the event that the principal or surety fails to complete such work within the time specified in the notice, or fails to deposit the estimated cost plus 25 percent with the City, the City Manager shall proceed by such method as he deems convenient to cause the required work to be performed and completed. The principal and the surety shall be jointly and severally liable for the cost of completing such work.

If the principal or surety deposits the estimated cost plus 25 percent as set forth in the notice the City Manager shall proceed by such method as he deems convenient to cause the required work to be performed and completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The principal and surety shall hold the City blameless from any liability in connection with the work so performed by the City, its authorized agent or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

If cash bond has been posted, notice of default as provided above shall be given to the principal and if compliance is not had within the time specified the City Manager shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or any portion of such deposit to cause the required work to be done by contract or otherwise in his discretion. The balance, if any, of such cash deposit shall, upon completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work.

No performance bond shall be required from the State of California, political subdivision thereof, any governmental agency or any person required to remove a structure declared by a governmental authority to be unsafe or a public nuisance.

(Added and Amended 3-16-71

March 16, 1971 by O-10523 N.S.)

SEC. 91.0507 Moving of Structures -- Insurance Required

Every person moving a structure or causing the same to be done shall take out and maintain public liability insurance to protect against loss from liability for damages on account of bodily injury, including death, and to protect against loss for liability or damages to any property caused directly or indirectly by the moving of the structure. Such insurance policy shall be maintained in full force and effect during the moving of the structure in amounts of not less than \$50,000 for one person injured in one accident and not less than \$100,000 for more than one person injured in one accident and in an amount of not less than \$5,000 with respect to any property damage aforesaid. Proof of insurance, acceptable to and approved by the City Manager and the City Attorney shall be filed with the City and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of this section as to insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages. No such policy of insurance shall be required from the State of California, political subdivision thereof, or any governmental agency.

(Added and Amended 3-16-71

March 16, 1971 by O-10523 N.S.)

SEC. 91.0508 Moving of Structures -- Regulations

Every person moving a structure shall comply with the following regulations:

(a) No person except a licensed house mover shall move any structure; provided, however, that the owner thereof may move a structure from one part of a lot to another or from one lot to another owned by him and where the structure to be moved will not cross any street, alley, public property or the property of another person. Type "V" structures under 14 feet in height, less than 200 square feet in area and having no horizontal dimension exceeding 18 feet when entirely supported upon a suitable vehicle without the assistance of any additional wheels or roller may be moved without engaging a licensed house mover therefor.

(b) No Type "V" structure shall be moved to a new location within Fire Zone No. 1.

(c) A person moving a structure shall make good all damages or injuries caused by the moving of such structure. The wheels and rollers shall have sufficient tire or bearing width to prevent any grooving, marring, or damaging of any street, alley or public property.

(d) The permit shall be posted near the front of the structure being moved.

(e) Any structure moved to a storage lot for resale and not sold and moved therefrom within one year after the issuance of the permit authorizing the move to the storage lot shall be removed therefrom or wrecked if declared by a governmental authority to be unsafe or a public nuisance.

(f) Every structure located upon any street shall have an illuminated warning device placed at each corner of such structure and at the end of any projection thereof at all times between sunset and sunrise.

(g) No person moving a structure shall park such structure on any City street without the approval of the Chief of Police and the Chief of the Fire Department. No such structure shall be parked on a City street where the structures adjacent to it are higher than the structure being moved.

(h) In the event of an emergency requiring the use of City streets for a purpose with which the moving of the structure would interfere, the Chief of Police shall have authority to change the route of the move to avoid such interference.

(i) Failure of the permittee to complete the work authorized by the permits within the completion time specified in the original permit or extension thereof, or failure of the permittee to obtain a 60 day extension period as authorized in this Article when the work has not been completed within the completion time specified in the original permits, or failure of the permittee to make application for new moving and building

permits within the completion time specified in the original permits or extension thereof, shall constitute an abandonment of such work. The City or its authorized agent or other person having a contract with the City so to do, shall by such abandonment be authorized to enter upon the premises, and to make and complete the required work and to recover such costs from the principal and/or surety.

(Added and Amended 3-16-71

March 16, 1971 by O-10523 N.S.)

SEC. 91.0509 Moving of Structures -- Interference with Utility Property and Fire Alarm Systems

If the highest point of the structure when loaded and ready for moving is less than 20 feet above the ground surface, the cost of rearranging, protecting and restoring the equipment of any public utility affected or City of San Diego fire alarm equipment shall be borne by the owner of such equipment, unless such structure is of such dimensions that such equipment must be protected, moved or relocated to provide horizontal clearance, in that event the cost of protection, move or relocation shall be borne by the permittee.

The Chief of Police shall notify each public utility affected that an application for the moving of a structure has been filed and the route of such moving. Within three working days after receipt of such notice any public utility affected shall assent or submit its objections to such route and shall submit to the permittee an estimate of the cost of rearranging, protecting and restoring its plant and equipment which cost shall be borne by the permittee except as in this section provided.

The Chief of the Fire Department, within three working days after receipt of the application for a moving permit, shall submit to the permittee an estimate of the cost of rearranging, protecting and restoring any fire alarm equipment which cost shall be borne by the permittee except as in this section provided.

Within three working days of receiving such estimates the permittee shall deposit with each such public utility affected and with the City of San Diego the estimated cost plus a sum not to exceed 15 percent of such estimated cost as an allowance for supervision or, in lieu of this if satisfactory to such public utility, a corporate surety bond. Within four working days after notifying the permittee of such cost any public utility affected shall notify the Chief of Police whether the permittee has complied with the requirements of this section.

The Chief of Police shall not approve the application for a moving permit unless all public utilities affected have notified him in writing that the permittee has complied with the provisions of this section, or unless seven working days have elapsed since the Chief of Police has notified any public utility affected and such public utility has failed to notify him of such compliance.

Upon issuance of the moving permit the Chief of Police shall notify any public utility affected of the time when and the route over which such moving will occur.

Such public utility and/or the Chief of the Fire Department must within 30 days from the completion of the moving and the restoration of the equipment involved present an itemized bill of the actual cost of such rearranging, protecting and restoring, plus an allowance for supervision not exceeding 15 percent of such actual cost. The public utility and/or The City of San Diego shall return to the permittee the unused balance of any cash deposit.

No cash deposit or surety bond, as established in this section, will be required from the State of California, any political subdivision thereof, or any governmental agency.

(Added and Amended 3-16-71 .

March 16, 1971 by 0-10523 N.S.)

SEC. 91.0510 Moving of Structures -- Permit Fees -- Moving Permit

The permit fee prescribed in this section shall be paid to the City Treasurer prior to the issuance of the moving permit, except as hereinafter prescribed.

The permit fee for moving any structure shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk. No fee will be charged for the issuance of such permit to the State of California, any political subdivision thereof, any governmental agency or to any person required to remove a structure declared by governmental authority to be unsafe or a public nuisance.

(Added and amended 3-16-71 by 0-10523 N.S.)

(Amended 4-2-79 by 0-12619 N.S.)

(Amended 9-27-82

September 27, 1982 by 0-15823 N.S.)

DIVISION 6

Demolition of Structures

(Added 11-2-87 by 0-16970 N.S.)

caused directly or indirectly by the demolition or associated work of the building or structure. Such insurance policy shall be maintained in full force and effect during the demolition and associated work of the building or structure in amounts of not less than \$50,000 for one person injured in one accident and not less than \$100,000 for more than one person injured in one accident and in an amount of not less than \$5,000 with respect to any property damage aforesaid. Proof of insurance, acceptable to and approved by the Building Official and the City Attorney shall be filed with The City of San Diego and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of this section as to insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages. A policy of insurance shall not be required from the State of California, political subdivision thereof or any governmental agency, nor from any owner required to demolish a structure not exceeding two stories in height, declared by a governmental authority to be unsafe or a public nuisance.

(Added and Amended 3-16-71

March 16, 1971 by 0-10523 N.S.)

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

JAN 22 1990

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Maureen O'Connor*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 09 1990

JAN 22 1990

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17415** **JAN 22 1990**

Number Adopted.....

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
58 FEB -9 PM 7:54
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, C.A 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,
DIVISION 85,...

NO.

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-12415 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

FEB. 5

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 5 day of FEB, 19 90.

(Signature)

ORDINANCE NUMBER 0-17415 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 85, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE TITLE OF DIVISION 85, BY REPEALING SECTIONS 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508, 91.8509, AND 91.8510, AND BY ADDING SECTIONS 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 AND 91.8509, RELATING TO REMOVAL, RELOCATION, AND TRANSPORTATION OF STRUCTURES.
This ordinance repeals the current regulations respecting moved structures and provides new laws to regulate the removal, relocation and transportation of structures.
The new ordinance provides more stringent controls for these construction activities, increased bonding requirements and surety responsibility for satisfactory completion of the work, and increased penalties for noncompliance.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.
INTRODUCED ON JANUARY 9, 1990 Passed and Adopted by the Council of The City of San Diego on JANUARY 22, 1990
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Pub. Feb. 5 168452

2 3/4 x 2 = 65.12