

**TITLE XII**

**REMOVAL OF BUILDINGS**

**CHAPTER 12.01**

**PERMIT, LICENSE, BOND, KEEPING PREMISES SAFE AND CLEAN**

12.0101 Permit for Removal or Razing; Taxes to be Paid

It shall be unlawful for any person or corporation to move, tear down, or destroy any building off any lot within the City of Springfield, South Dakota, unless a moving or razing permit is first obtained and approved and issued by the City Council, and upon which taxes or special assessments have been levied, until after such taxes or special assessments have been fully paid.

12.0102 Mover's License and Permit

No person or corporation except a licensed house mover, shall remove, or move from one lot to another, or over any of the streets, alleys, cross-walks or parkways, or any city property, or from one lot to another any building, or part of a building, within the limits of the City of Springfield, South Dakota, unless waived by the City Council.

Additionally, every person or corporation shall annually, before engaging in such occupation of building moving, obtain a license therefore; provided this section shall not apply to moving a building within the confines of a lot or continuous lots when not necessary to move the same over any public property, or public streets; and provided further, this section shall not apply to any building which may be moved or removed by reason of its being condemned as provide by law as a fire hazard.

12.0103 Licensed, How Obtained

Any person or corporation desiring to procure a license as a house mover, unless waived, shall make written application therefore to the City Council through the Municipal Finance Officer of the City of Springfield, South Dakota, and such license shall be granted by the affirmative vote of a majority of all the members of said City Council.

12.0104 Amount of License

The applicant for a license for house moving shall pay to the Municipal Finance Officer of the City of Springfield, South Dakota, the sum of \$50.00 for a license per year; which shall run from July 1<sup>st</sup> to June 30<sup>th</sup> of each year; provided however, that no license fee be prorated for any part of a year, nor shall any part of any license be refunded.

12.0105 Bond

The applicant for a license for house moving shall also file, unless waived, before he shall be permitted or authorized to move any building within the City of Springfield,

South Dakota, or any of its property, a bond with the Municipal Finance Officer or the City of Springfield, the bond to run in favor of the City of Springfield, South Dakota; the same shall be in the penal sum of \$2,500.00 with good and sufficient sureties to be approved by the City Council of the City of Springfield, South Dakota, and conditioned, that the applicant, if a license be granted to him will in carrying on his business of house moving, within the City of Springfield, South Dakota, conform to all the regulations and requirements relating thereto, which are now or may be hereafter established by the City Council of The City of Springfield, South Dakota, and that he will promptly fill all basements left open as a result of moving any building as aforesaid, and thereby leave the premises so vacated in a safe and sanitary condition, and repair and make good to the satisfaction of the City Council of the City of Springfield, South Dakota, and all damages to any pavement, sidewalk, cross-walk, hydrant, street, alley or other property done, or caused to be done by himself, his servants or employees, in moving any building, or in connection with the moving thereof, and that he will immediately pay indemnity and save harmless the City of Springfield, South Dakota, against any and all liability for all damages, costs and expenses, arising, or which may arise in favor of any of his servants or employees in connection with the moving of any public street or ground for that purpose.

#### 12.0106 Moving Buildings over Streets

Any person or corporation moving any house or other kind of building over or across any street, alley, cross-walk or parkway, shall, when directed by the City Council of the City of Springfield, South Dakota, cause such street, alley, cross-walk or parkway, to be fully protected against damage, by laying planks thereon, which planks must be sufficient to prevent damage, and which planks must be immediately taken off the streets, alleys, cross-walks or parkways after the said moving.

#### 12.0107 Property Moving/Razing Permit Regulations

Before the owner of any building shall be authorized to move the same, or permit the same to be moved by a licensed house mover, or remove from one lot to another within the City of Springfield, South Dakota, he shall obtain a permit therefore from the City Council of the City of Springfield, South Dakota, which permit shall describe the route to be taken in so moving such a building, or any part thereof, and the length of time which may be consumed in the work, and he shall make written application for such permit to the said City Council through the Municipal Finance Officer and the application may be granted by an affirmative vote of a majority of the members of said City Council, and when granted he shall thereupon pay to the Municipal Finance Officer of the City of Springfield, South Dakota, the sum of \$50.00 for such permit. Provided however that no permit shall be issued to any person or corporation to move any building over any of its streets, alleys, cross-walks or parkways under any of the following conditions to-wit:

- (a) At a time when the streets or alleys or public property over which said building is to be moved shall be wet or soft, because of climatic conditions, in order to prevent damage.
- (b) Before all taxes and special assessments levied upon such building or buildings shall have been fully paid.

- (c) Where the removal thereof will create a nuisance by leaving a dangerous, unfilled or unprotected excavation under any sidewalk, or part of a street, or where any city sewer or water main may be left unprotected against damage of freezing, or otherwise exposed to damage, until such excavation has been made secure and safe for and to the public, and until any sewer or water main has been fully protected against any and all damage. And the City Council of the City of Springfield, South Dakota, shall in all cases require from the owner of the real estate from which such building is to be removed, a good and sufficient bond in the amount of \$1,000.00 in favor of the City of Springfield, South Dakota, and conditioned that such owner shall at all times after the removal of such building, keep the premises from which such building is to be removed, in a safe and secure condition, and to protect the City of Springfield, South Dakota, against any and all liability and damages as a result of the removal of such building.

#### 12.0108 Public Utilities

Nothing in any license or permit granted shall be construed as authorizing the holder thereof to break, injure or move any telegraph, telephone or electric light pole, lines or wires, or in any way injure shade trees, or other property without the permission from the owner or owners thereof. Provided, however, that the person seeking such moving permit, must make his own arrangements with the owners, and pay for the removal or cutting of any public utility poles, wires, or other property; and provide further that no public utility service shall be disrupted for a period of more than one hour as a result of the moving of any building within the city.

#### 12.0109 Building Obstructing Street

No building or any part of a building shall be allowed to stand still in any public street, or any public ground in the City of Springfield, South Dakota for more than twenty-four consecutive hours. And the mover of any building over any of the streets of the City of Springfield, South Dakota, must at all times put up proper and sufficient flares and other necessary warning signals to warn and guard the public against any damage by reason of such moving.

#### 12.0110 Small Buildings Not to be Moved out of Limits

The City Council of the City of Springfield, South Dakota, shall have the right and authority by resolution to regulate by all reasonable regulations the moving of all small buildings within the City of Springfield, South Dakota, the assessed valuation of which is not in excess of \$300.00, provided, however, that such small building will not be moved out of the limits of the City of Springfield, South Dakota.

#### 12.0111 Keeping Premises Safe and Clean

Where a building is removed from the City of Springfield, South Dakota, or is moved from one location to another within the City of Springfield, South Dakota, and there is a cellar, basement or other excavation under said building so removed, the owner thereof is hereby required to fill up such cellar, basement or excavation to an elevation of the surface of the ground in that vicinity, and to mow the weeds or grass upon said premises so that the vacant lot and the cellar, basement or excavation thereon when filled must be kept in a sightly, attractive, safe and sanitary condition at all times, and not to permit such premises to become a nuisance.