

ORDINANCE NO. 1573

AN ORDINANCE OF THE CITY OF LYNDEN, AMENDING SECTION 15.05.010 OF THE LYNDEN MUNICIPAL CODE PERTAINING TO THE RELOCATION OF HISTORICAL AND OTHER BUILDINGS WITHIN THE CITY LIMITS

WHEREAS, Section 15.05.010 of the Lynden Municipal Code regulates the moving and relocation of buildings within the City, including establishing conditions for when the relocation of building is allowed; and

WHEREAS, Section 19.65, Historic Preservation Ordinance, of the Lynden Municipal Code provides for the identification, evaluation, designation, and protection of historic properties within the City of Lynden; and

WHEREAS, in certain instances, a residential building that is listed, or deemed by an approved professional survey to be potentially eligible for listing on the National Register of Historic Places and/or the Lynden Register of Historic Places, may face the prospect of demolition; and

WHEREAS, in the instance that a historic building is facing demolition, and all other preservation options have been exhausted, the City finds it necessary to allow for the relocation of said building from one parcel to another within the city limits if the relocation can comply with existing City codes and ordinances; and

WHEREAS, the City of Lynden finds that it is necessary to adopt certain provisions to protect the public health, safety and general welfare and to ensure that relocated historical buildings meet the aesthetic quality of the community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 15.05.010 of the Lynden Municipal Code is hereby repealed and replaced with the following language:

Section 15.05.010 – Moving buildings – allowed when. Previously occupied buildings located within the City limits may be moved to another location with the permission of the Public Works Director under the following conditions:

- 1) The building is to be relocated on the same parcel; or the building is non-residential, the occupied area is less than 500 square feet, and the building is to be relocated to a non-residential parcel; or the building is listed, or deemed by an approved professional survey to be potentially listed on the National Register of Historic Places and/or the Lynden Register of Historic Places and all other preservation options have been exhausted, or the building faces the prospect of demolition; and

- 2) The building shall comply with the existing building and zoning codes and other applicable ordinances in the City.
- 3) The applicant shall, within ten days after making an application to move any building with an area greater than or equal to 500 square feet, cause the interior or exterior walls, ceiling or flooring to be removed to such an extent necessary to permit a registered professional engineer to examine the materials and type of construction of the building to ascertain whether it can be safely moved and that it will comply with the existing building code and other applicable ordinances in the City. A written report shall be provided to the Building Official.
- 4) In addition to the above inspection, the applicant shall comply with all other relevant City approval and permit procedures; and
- 5) A bond, assignment of savings, or irrevocable letter of credit, in a form approved by the City Attorney, shall be filed with the City in an amount sufficient to:
 - a. Remove and dispose of the structure should the applicant abandon it before the move is completed; and
 - b. Guarantee the site improvements, construction, painting, and finishing the exterior of the building shall be completed in accordance with the Lynden Municipal Code within ninety days; and
 - c. Guarantee the restoration of the original location by capping the existing utilities, removal of the existing foundation, grading and clearing the location of all debris resulting from the move.
- 6) Should the moving operation require use of or travel over city rights-of-way, the applicant shall:
 - a. Prove they have liability insurance in the amount of at least \$1,000,000, listing the city as an additional named insured. This insurance will remain in full force and effect during the moving operation and will hold the city harmless from all claims arising from the moving operation.
 - b. If moving the building will require use of an oversize /overheight vehicle, then a permit will be required from the Public Works Department.

- 7) The applicant shall execute and deliver to the City a document holding the City harmless from any and all claims arising from the removal and relocation of the house.

In any case in which the Public Works Director denies permission for such a move, the applicant may appeal the decision to the City Council under the provisions of Chapter 17.11 of the Lynden Municipal Code.

Section 2 – Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 3 – Effective Date.

This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, 7 IN FAVOR
0 AGAINST, AND SIGNED BY THE MAYOR THIS 22 DAY OF
January, 2019.

MAYOR

Scott Kestheim

ATTEST:

Pamela D. Brown
CITY CLERK

APPROVED AS TO FORM:

for atty Cassinichael
CITY ATTORNEY