

TOWNSHIP OF LOWER
2600 BAYSHORE ROAD, VILLAS, NJ 08251
609-886-2005
APPLICATION FOR BUILDING MOVING PERMIT
MODULAR HOME

Complete all information and return to the Lower Township Police Department, 405 Breakwater Road, Erma, NJ 08204
Please call the Police Administration Office with any questions at (609) 886-1619 ext. 109 Fax (609) 886-7550

Date: _____
Application is made by _____ Telephone No. _____
of (full address) _____

For permission to move a building along or across:
Describe exact route

In the Municipality of: Township of Lower

Name of Owner: _____

Address of Proposed Location: _____

Block _____ Lot _____

Building Dimensions: Length _____ Width _____ Height _____

Building Weight _____ Gross Weight, Vehicle and Load _____ No. of Axles _____

Would detours be necessary? YES No

If so, name streets _____ Length of detour _____

Date building will be moved _____ Time _____

Duration of Move _____

Date building will be set _____ Time _____

The applicant agrees to comply with the regulations contained in Ordinance 199 governing building moving in the Township of Lower, attached hereto, as well as all laws, ordinances and resolutions relating to said work and the acceptance of the permit shall be deemed an agreement to abide by all of its terms and conditions.

Signed _____
Applicant

BUILDING MOVING PERMIT

Permit Fee Waived for Modular Homes

Permit Number: _____ Municipality Lower Township Municipal Road _____

Name of Applicant (print) _____

Applicant is hereby granted a Building Moving Permit for the above mentioned day.

Signed _____
Chief of Police

FOR POLICE DEPARTMENT USE ONLY

SPECIAL CONDITIONS

Time of day _____

Police Officer(s) required Yes No

03/04

Chapter 199: BUILDINGS, MOVING OF

199-1. Definitions.

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings given herein:

BUILDING — 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. Any structure having less than 100 square floor feet shall be exempt from the provisions of this chapter.

BUILDING SUBCODE OFFICIAL — The Building Subcode Official of the Township.

CHIEF OF POLICE — The Chief of the Lower Township Police Department.

LAND USE OFFICIAL — The Planning Director of the Township.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

TOWNSHIP — The Township of Lower.

§ 199-2. Permit from police required; fee.

No person shall move any building over, along or across any highway, street, lot line, or alley in the Township without first obtaining a permit from the Chief of Police and paying a fee of \$250 upon the issuance of such permit.

§ 199-3. Permit from Land Use Official required; fee.

A person seeking approval to move any building onto any lands or premises in the Township shall also file an application for a permit with the Land Use Official.

- A. Form. The application shall be made in writing, upon forms provided by the Land Use Official, and shall be filed in the office of the Land Use Official.
- B. Contents. The application shall set forth:
- (1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
 - (2) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the Township;
 - (3) A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the Township;
 - (4) The portion of the lot to be occupied by the building when moved;
 - (5) The highways, streets and alleys over, along or across which the building is proposed to be moved;
 - (6) Proposed moving date and hours;
 - (7) The name and address of the licensed house mover who shall move the building who shall post security for damage;
 - (8) Any additional information which the Land Use Official shall find necessary to effectuate a determination of whether a permit shall issue.
- C. Accompanying papers. The applicant shall also furnish to the Land Use Official the following:
- (1) Tax certificate. The owner of the building to be moved shall file with the application proof that all municipal taxes

and assessments encumbering the building, the lot from which the building is to be removed, and the lot to which said building is to be moved have been paid in full current to the date of moving.

- (2) Certificate of ownership or entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
- D. Fee. The application shall be accompanied by an application fee in the amount of \$500.
- E. Escrow. The application shall be accompanied by a professional engineering escrow fee in the amount of \$500.
- F. Description of building. The applicant shall file with the Land Use Official photographs of the front of the building, the rear of the building, and each and every side of the building that is to be moved. Additionally, the applicant shall file with the Land Use Official a plot plan prepared by a licensed surveyor, together with a schematic drawing of the exterior of the building depicting any proposed improvements and showing the building in its finished form on the location upon which it is to be placed.

§ 199-4. Performance and indemnity bond.

The Land Use Official shall require as a condition of approval for issuance of a house moving permit the posting of a surety bond or other security by the applicant in an amount to be determined by the Building Subcode Official to be sufficient to indemnify the Township for any damage which may be caused as a consequence of the moving of the building, and to insure the full performance compliance by the applicant of all current Township ordinances. Additionally, said bond shall cover any reasonably anticipated administrative expenses which the Township may incur in connection with any of the consequences of the moving of the building, together with the expenses of demolishing and removing such building, if necessary, it being the express intention of this section that the applicant shall indemnify and save harmless the Township from any and all liability arising out of the moving of said structure. Such bond shall be in a form approved by the Township Solicitor. In the event that any damage is caused by the moving of the building, or in the event that any condition or conditions of approval are not complied with in timely fashion, the Township may, in its sole discretion, use the security for any damages suffered by the Township, including any costs and/or attorneys' fees incurred. Nothing contained herein shall be deemed to waive the right of the Township to proceed against the applicant personally for any damage exceeding the amount of the security.

§ 199-5. Duties of Building Subcode Official.

- A. Removing inspection. Prior to the approval of any application for moving a building by the Land Use Official, the Building Subcode Official shall inspect the building and the applicant's equipment to determine whether the standards for issuance of certificate of occupancy are satisfied. If deemed necessary in the reasonable discretion of the Building Subcode Official, the applicant shall have the building inspected by a licensed structural engineer to determine if the building is structurally sound, and a report of such inspection certified to the Township shall be provided to the Building Subcode Official.
- B. Standards for approval. The Building Subcode Official shall refuse to approve the issuance of a permit by the Land Use Official if he finds:
 - (1) That the building is too large to move without endangering persons or property in the Township;
 - (2) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the Township;
 - (3) That the building is structurally unsafe or unfit for the purpose for which moved;
 - (4) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - (5) That for any other reasons persons or property in the Township would be endangered by the moving of the building.
- C. Certificate of occupancy. Any building moved onto lands and premises in the Township shall also require the issuance by the Building Subcode Official of a certificate of occupancy which shall require, among other things, conformance with all current requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq. This applicant must obtain a certificate of occupancy within six months of the movement of the building onto the property.
- D. Building permits. Nothing contained herein shall be construed to limit or replace any requirements and authority of the Building Subcode Official to require building permits for foundations, site work, enlargements, repairs, alterations, reconstructions or demolishments of buildings, or any other matters as now or in the future may be required by the New Jersey Uniform Construction Code.

§ 199-6. Duties of Land Use Official.

- A. Approval of application. It shall be the duty and responsibility of the Land Use Official to review all applications for moving buildings.
- B. Standards for approval. The Land Use Official shall refuse to approve an application for moving a building if:
 - (1) Any application requirement or any fee or deposit requirement has not been complied with;
 - (2) Zoning or other ordinances would be violated by the building in its new location;
 - (3) The approval of the Building Subcode Official is not received in accordance with § 199-5B above;
 - (4) Any other requirements of this chapter are not satisfied.
- C. Fees and deposits.
 - (1) Deposit. The Land Use Official shall deposit all fees, bonds or other security with the Township Treasurer.
 - (2) Return upon nonissuance. Upon his refusal to approve an application, the Land Use Official shall return to the applicant all bonds and other security. Permit and application fees paid with the application shall not be returned.
 - (3) Return upon allowance for expense. After the building has been moved, the Township Engineer shall furnish the Township Council with a written statement of all expenses incurred in removing and replacing all property belonging to the Township, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the Township. The Township Council shall authorize the Township Engineer to return to the applicant all security after the Township Treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to the property of the Township or others by reason of the moving of the building. Permit and application fees paid with the application shall not be returned.
- D. Designate streets. The applicant shall submit to the Land Use Official a proposed route, which shall include a map detailing the streets over which the building will be moved. The Supervisor of Public Works and Chief of Police shall approve or disapprove the proposed route, and submit their report in writing to the Land Use Official. In making their determinations, the Supervisor of Public Works and the Chief of Police shall act to assure maximum safety to persons and property in the Township and to minimize congestion and traffic hazards on public streets.

§ 199-7. Duties of applicant.

Every applicant approved under this chapter shall:

- A. Use designated streets. Move a building only over streets designated for such use in the written permit.
- B. Notify of revised moving time. Notify the Land Use Official and Chief of Police in writing of a desired change in moving date and hours as proposed in the application.
- C. Notify of damage. Notify the Land Use Official in writing of any and all damage done to property belonging to the Township within 24 hours after the damage or injury has occurred.
- D. Display lights. Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
- E. Street occupancy period. Remove the building from the Township streets after one day of such occupancy, unless an extension is granted by the Land Use Official.
- F. Comply with governing law. Comply with all applicable building codes, fire codes, the zoning ordinances and all other applicable ordinances and laws upon relocating the building in the Township.
- G. Utilities. Notify the gas and electric service companies to remove their services and take all necessary steps in leaving water, sewerage and drainage facilities of old location of building in a safe condition.

§ 199-8. Enforcement; recovery of expenses; condition of premises.

- A. Enforcement authority. The Building Subcode Official, Police Department, Land Use Official and Superintendent of Public Works shall enforce and carry out the requirements of this chapter.
- B. Applicant liable for expense above deposit. The applicant shall be liable for any expense, damages or costs in excess

of any bond or security posted, and the Township Solicitor shall prosecute an action against the applicant in a court of competent jurisdiction for the recovery of such excessive amounts.

- C. Original premises left unsafe. The Township shall determine whether the original premises from which the building is moved (if in the Township) and the new premises to which the building is to be moved is in a safe and sanitary condition. If the Township determines that either property is not in a safe and sanitary condition, and/or the applicant does not comply with the requirements of this chapter, including, without limitation, satisfying all conditions required by the Building Subcode Official for the issuance of a certificate of occupancy, the Township may take such remedial action as it deems necessary, including, without limitation, demolition of the building as an unfit dwelling pursuant to Chapter 206, Buildings, Unfit, and the cost thereof shall be charged against the security.

§ 199-9. Violations and penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a disorderly persons offense and, upon conviction thereof, shall be fined in an amount not to exceed \$500 or be imprisoned in the county jail for a period not to exceed 90 days, or both. Each day such violation is committed or permitted to continue will constitute a separate offense and shall be punishable as such hereunder.