

CHAPTER 113: LICENSES

Section

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MOVING STRUCTURES

§ 113.01 PERMIT AND LICENSE REQUIRED.

No person shall act as a building mover, as that phrase is defined in M.S. § 221.81, subd. 1a, as it may be amended from time to time, "...on the public streets under the control of the city unless such person shall be licensed to do so by the Minnesota Commissioner of Transportation, and has obtained a permit as required by this chapter."

(Ord. 04-02, passed 6-23-04)

§ 113.02 EXCEPTION.

No permit is required for the moving of a structure of a size not more than 16 feet wide and/or 20 feet long and/or is not more than 15 feet high when situated on a truck or moving carriage.

(Ord. 04-02, passed 6-23-04)

§ 113.03 CONTENTS OF APPLICATION.

No building shall be moved by a person until that person has obtained a permit from the city, upon written application therefor, in which shall be stated the present location of the building, the route of the moving, and the proposed new location of the same. The City Administrator is authorized to approve

after consultation with the City Public Works Director. The permit fee shall be \$100. If said proposed new location complies with the zoning code, the permit shall be granted. The building shall then be moved along such route and at such time as may be specified by the Police Department or its representative. It shall be a specific condition of each permit that the holder thereof agrees to reimburse the city its actual cost, including all labor, including pre-inspection and surveillance, overhead and materials of any required temporary removal and replacement, relocation or damage to or destruction of, public property or facilities, occasioned by the building's move.
(Ord. 04-02, passed 6-23-04)

§ 113.04 ADDITIONAL EXPENSES AND DEPOSIT.

At the time the permit is granted, the city requires as a condition of issuance that the applicant post a cash deposit with the city to cover the estimated costs to be incurred by the city as a result of the building's move. Those costs may include the estimated costs of labor, overhead, and materials, which will be expended by the city to facilitate the temporary removal and replacement, relocation, or damage to, or destruction of, public property or facilities, occasioned by the building's move.
(Ord. 04-02, passed 6-23-04)

§ 113.05 OBSTRUCTION PROHIBITED.

No building in process of removal shall be allowed to stand still in or on any public street or public ground in the city for more than one hour without written consent of the public services department; nor shall it be allowed unnecessarily to obstruct any railway or telephone, telecommunications, telegraph, or electric line, for any time whatever, without consent from an authorized agent of such railway or other line.
(Ord. 04-02, passed 6-23-04)

§ 113.06 DAMAGING OF PROPERTY.

No person, in the process of moving any building shall break, injure or remove any telephone, telecommunications, telegraph, electric line or pole, nor in any way injure any shade tree or other private property, without permission from the owner thereof, nor anchor in any manner to any manhole or inlet of any sewer in the city.
(Ord. 04-02, passed 6-23-04)

RESIDENTIAL, COMMERCIAL AND INDUSTRIAL REFUSE COLLECTION LICENSES**§ 113.15 REFUSE COLLECTORS REGULATIONS.***(A) License required; limitation on number of licenses issued.*

(1) Any commercial hauler engaged in the business or providing collection and transportation services for residential, commercial or industrial refuse in Byron must obtain a license from the city prior to initiating services and must maintain the license at all times in providing said services.

(2) Effective January 1, 2010 the city limits the number of licensees to no more than five. In issuing licenses after January 1, 2010 preference shall be given to existing licensees, so long as such licensees satisfy the licensing requirements herein.

(3) A licensee shall provide written notice to the city 30 days prior to terminating collection and transportation services. The number of available license will be three to five. In the situation that the number of licenses available falls to three, the three licenses will be only be available to three individual parent companies or owners.

(B) Licensing procedure.

(1) Any person/company seeking a license to collect refuse in the city may apply on a form provided by City Hall. The initial application and subsequent applications for a license shall contain the following information:

(a) The name, address, phone number and fax number of the applicant and business owner(s);

(b) A description of each vehicle to be used for collection, including the vehicle identification and license numbers, vehicle make and model and capacity of the body;

(c) The location and address describing the place where the applicant is storing his or her equipment/vehicle(s);

(d) Annual DOT certification documentation; and

(e) Other information which the city may reasonably require from time to time.

(2) Failure to provide information requested may result in a trash hauler's license not being issued or renewed.

Byron - Business Regulations**(C) Insurance.**

(1) Applicants for licenses or renewal must submit evidence of insurance for personal injury and property damage liability and indemnity coverage with coverage in the amount of at least \$1,000,000 for general liability and at least \$500,000 for automobile liability.

(2) Failure to provide information requested may result in a trash hauler's license not being issued or renewed.

(D) Registration and license period and transfers.

(1) *Registration and license period.* Each registration and license granted by the city under this section shall expire on January 31, annually.

(2) *Registration and license renewal.* Application to renew licenses shall be presented to City Hall no later than 30 days prior to license expiration date, or sooner, as determined by the city.

(3) *Availability.* If at any time the number of licenses reaches the maximum of five haulers that use smaller collection vehicles will be given first preference for licenses.

(4) *License requirement.* It shall be unlawful for any business or company to engage in the business of collecting mixed municipal solid waste, recyclable material or construction debris without having first secured from the city a license to do so.

(5) *Non-assignability of license.* Licenses issued by the city may not be assigned or transferred in whole or in part by the hauler unless the City Council, in its sole discretion, gives its approval prior to any proposed assignment or transfer. Any attempt to assign or transfer the license in whole or in part without prior approval of the City Council shall be grounds for termination of the license.

(6) *Revocation.* A hauler's license may be terminated by the city for any violation of city ordinances, Olmsted County ordinances, state or federal laws. The city may also terminate the license for unsatisfactory performance by the hauler. The licensee shall not be entitled to a refund of any license fee upon revocation or voluntary ceasing to carry on the licensed activity.

(E) License and registration fees.

(1) *Establishment.* Fees are set annually by the City Council in the fee schedule.

(2) *Payment.* Fees shall be paid with the initial application and annually thereafter by the applicant as a condition for license renewal. Non-payment shall be grounds for non renewal of the license.

(F) *Hauler Requirements.*

(1) Hauler shall be required to have water-tight, packer-type vehicles in good condition to prevent loss in transit of liquid or solid cargo, that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage or refuse.

(2) No collection of garbage, refuse or recyclables shall be made except between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, except if the refuse hauler is attempting to make up a day lost due to a holiday.

(G) *Penalty.* Any owner or owners, firm, partnership or corporation violating any provision of this chapter shall be guilty of a misdemeanor and punished as provided in § 10.99 of the City Code. Each date that a violation is permitted to exist constitutes a separate offense.

(Ord. passed 9-23-09)

