

CHAPTER 10-12: CERTIFICATES

- 10-12-010. Certificate Required.**
- 10-12-020. Improvements and Repairs.**
- 10-12-030. Issuance of Certificate.**
- 10-12-040. Notice of Disapproval.**
- 10-12-050. Temporary Certificates.**
- 10-12-060. Posting of Certificate.**
- 10-12-070. Revocation of Certificate.**
- 10-12-080. Violation of Certificate Requirement.**
- 10-12-090. Validity of Certificate.**

10-12-010. Certificate Required.

No building or structure shall be used or occupied, in whole or in part, for any purpose, nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the City has issued a Final Inspection Certificate, Certificate of Occupancy or Temporary Certificate of Occupancy as provided herein.

10-12-020. Improvements and Repairs.

No Certificate of Occupancy or Final Inspection shall be issued for any building or structure until all public improvements, such as asphalt, curbs, gutters, water meter boxes and sidewalks, and any other required improvements, are completed and operable. If any public or other required improvements are damaged during construction, no Certificate of Occupancy or Final Inspection Certificate shall be issued until such improvements are repaired.

10-12-030. Issuance of Certificate.

After the Building Official performs the final inspection of a building or structure and finds that all improvements have been completed or repaired as required herein, and finds no violations of the Construction Codes or any other applicable laws or ordinances, the Building Official shall, with the approval from the Community Development Director, issue a Certificate of Occupancy or Final Inspection Certificate containing such information as required by the Construction Codes.

10-12-040. Notice of Disapproval.

After the Building Official performs the final inspection of a building or structure and finds that such building or structure does not conform to the Construction Codes or other pertinent laws or ordinances or that all improvements have not been completed or repaired as required herein, the Building Official shall issue a written Notice of Disapproval to the applicant stating the reasons for such disapproval.

10-12-050. Temporary Certificates.

(a) Generally. If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a Temporary Certificate of Occupancy may be issued for the use of a portion or portions of the building or structure prior to completion of the entire building or structure or prior to the completion, repair and/or replacement of any public or other required improvements.

(b) Limitations. No Temporary Certificate shall be issued for any incomplete Code requirements which would result in substantial hazard or be injurious to the health, safety or welfare of any person.

(c) Procedure. In order to obtain a Temporary Certificate, the applicant must execute a written agreement to fully complete, repair and/or replace improvements or work within the time prescribed, not to exceed thirty (30) days from the date of issuance of the Certificate and pay any required fees and bonds.

(d) Extension. An applicant holding an unexpired Temporary Certificate may apply in writing for an extension of time within which work may be completed showing that circumstances beyond the control of the applicant have prevented action from being taken within the time required. Upon sufficient showing, and payment by the applicant of an extension fee, the City may extend the time for completion. Such extension shall only be permitted once and shall not exceed a period of ninety (90) days.

(e) Breach. In the event the applicant fails to timely and fully complete, repair and/or replace said improvements in a satisfactory manner, the City may thereafter use the funds comprising any bond retained to cause the improvement to be completed, repaired and/or replaced. If the funds received from the bond are not sufficient to pay the total cost of completion, repair and/or replacement of the improvements and the fifteen percent (15%) overhead fee, or if a bond was not retained, the applicant shall be obligated to pay to the City all deficiency amounts. The City shall pursue all civil and criminal legal remedies to ensure payment and/or reimbursement for deficiency amounts.

(f) Compliance. Upon timely and satisfactory completion, repair and/or replacement of said improvements, and compliance with all other Construction Code provisions and applicable laws, the Building Official shall issue a Certificate of Occupancy or Final Inspection Certificate and release any unexpended portion of any bond retained by the City to the applicant less fifteen percent (15%) of the total cost to complete, repair and/or replace the improvements to cover overhead and administrative costs of the City.

10-12-060. Posting of Certificate.

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

10-12-070. Revocation of Certificate.

The City may, in writing, suspend or revoke any Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate whenever the Certificate is issued in error, on the basis of incorrect information supplied, where conditions or requirements contained within the Certificate have not been met, or when it is determined that the building or structure or portion thereof is in violation of any provision of the Construction Codes or any other applicable law or ordinance.

10-12-080. Violation of Certificate Requirement.

(a) Use or Occupation. Any person, firm or corporation using or occupying any building or structure prior to obtaining a Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate shall be guilty of a Class B misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.

(b) Permitting Use or Occupation. Any person, firm or corporation permitting any person to use or occupy a building or structure prior to the issuance of a Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate shall be guilty of a Class B misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation occurs or continues.

10-12-090. Validity of Certificate.

Any Certificate of Occupancy, Final Inspection Certificate or Temporary Certificate issued hereunder shall not be construed to be an approval of a violation of any of the provisions of the Construction Codes or other pertinent law or ordinance. Certificates presuming to give such authority shall not be valid.

