

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Consider amending Section 100-6 "Certificate of Occupancy" in the Land
Subject: Development Code of the City of Texarkana, Texas. City of Texarkana, Texas,
applicant.

Briefing: 12/3/2018 **Public Hearing:** 1/14/2019 **Council Vote:** 1/28/2019

Item Schedule

Updates/History of Briefing:

"NOT APPLICABLE"

Executive Summary and Background Information:

The City’s Code of Ordinances requires a Certificate of Occupancy (“CO”) for use of a building and requires a new application for a CO upon a change of occupancy from one conforming use to another conforming use or from one nonconforming use to another nonconforming use.

City staff recommends adding a new section to the Land Development Code, Section 100-6. – “Certificate of Occupancy,” that would add more detail when a CO is needed, when an application of a new CO is needed, the zoning of the property, information required for obtaining a CO, information to be contained on a CO, applicable fees, and circumstances authorizing suspension or revocation of a CO.

The proposed new section is as follows:

Sec. 100-6. - Certificate of Occupancy.

- (a) *Use or occupancy; changes.* A building, structure, or land shall not be used or operated, and a change in the existing use or occupancy of a building, structure, land, or a portion thereof shall not be made, until the Chief Building Official has issued a certificate of occupancy as provided herein.
- (b) *Application required.* An applicant for a certificate of occupancy must complete and submit an application promulgated by the City. Approval, if any, of the requested use or occupancy, or change in the existing use or occupancy, as applicable, shall be based on the applicant’s representations as to the use of the building, structure, or land, and the provisions of this Code pertaining to the building, structure, or land.
- (c) *Issuance of certificate.* A certificate of occupancy will issue after all necessary inspections have been conducted by the City and after the Chief Building Official approves the issuance; provided, however, that issuance shall not be construed as either authorizing or approving any unlawful condition or use of the building, structure, or land which violates any

City of Texarkana, Texas

applicable provision of the Code, City ordinances, state law or regulations. The certificate of occupancy shall contain the following information:

- (1) The address of the location of the building, structure, or land;
 - (2) The name of the occupier or user of the building, structure, or land;
 - (3) A statement as to the applicable zoning and approved use of the building, structure, or land;
 - (4) The allowable and approved maximum occupant load for uses; and
 - (5) Any other information deemed necessary by the City.
- (d) *Posting requirement.* The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Chief Building Official or designee. Misplacing or losing the certificate shall not constitute a defense to prosecution.
- (e) *Temporary occupancy.* The Chief Building Official may issue a temporary certificate of occupancy before the completion of the entire work covered by any applicable permit, provided that such temporary areas can be occupied safely. The Chief Building Official shall set a time period during which the temporary certificate of occupancy is valid.
- (f) *Revocation.* The Chief Building Official may suspend or revoke a certificate of occupancy in the event:
- (1) the certificate was issued in error or on the basis of incorrect information;
 - (2) the certificate was issued to an address different from the location posted;
 - (3) the certificate was issued to an occupier or user different from the current occupier or user;
 - (4) of an undisclosed or unapproved use or occupancy of the building, structure, land, or any part thereof; or
 - (5) of an undisclosed or unapproved addition to the building or structure, or any part thereof;
 - (6) of an undisclosed or unapproved change in use or occupancy of the building, structure, land, or any part thereof; or
 - (7) the condition of the building, structure, land, or any portion thereof violates any applicable Code provision, City ordinance, state law, or regulation.
- (g) *Fee.* An applicant for a certificate of occupancy shall pay a fee at the time of submitting the application. The fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.
- (h) *Replacement certificate; fee.* The applicant or designee may secure a lost or misplaced certificate of occupancy upon request accompanied by payment of a replacement fee. The fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.
- (i) *Violation.* It shall be unlawful and a violation of this section for any person to fail to comply with the requirements of this section.
- (j) *Exemption.* Except as otherwise provided in this Code, "Dwelling, one-family" and "Dwelling, two-family" as defined by section 140-23 are exempted from the requirements of this section.
- (k) *Cumulative provisions.* This section is cumulative of other provisions in the Code relating to the same subject.

Potential Options:

Fiscal Implications:

City of Texarkana, Texas

Staff Recommendation:

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

Advisory Board/Committee Meeting Date and Minutes:

Attachments

Staff Coordination

Planning and Community Development Pending	David Orr	Department Head Review
Planning & Zoning Commission 12/03/2018 12:00 PM	Debbie Burk	Meeting Pending

Meeting History