

ORDINANCE NO. 09042018-03

AN ORDINANCE AMENDING THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE 07032018-02 ARTICLE VI. CERTIFICATE OF OCCUPANCY; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the City of Poteet has determined a need to clarify, define and set forth in the municipal code of ordinances building regulations necessary to maintain the health, safety, governance and good order of the City; and

WHEREAS, the City wishes to AMEND the previously adopted city building code ordinance in order to address a public purpose to regulate building codes for the welfare, safety and health of the citizens of the City of Poteet; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS THAT:
BUILDINGS AND BUILDING REGULATIONS
AMENDED ARTICLE VI. CERTIFICATE OF OCCUPANCY**

Required.

No commercial structure shall be used for any purpose or occupied by any person until a certificate of occupancy has been issued by the building/code enforcement official.

Application.

Certificates of occupancy shall be applied for on a form to be provided by the building/ code enforcement official. The form shall include information concerning the owner of the property and structure, the proposed use of the structure, the occupant of the structure, name of emergency contacts, and other information useful to the city.

Inspections Required.

- (a) Per the codes adopted herein, an inspector must inspect all businesses governed by this article.
- (b) The permittee shall call the building/code enforcement official or his designated representative no later than 4:00 p.m. the business day before the permittee desires the inspection.
- (c) Inspection times will be scheduled to fit the schedule of the building & fire inspectors, and code enforcement.
- (d) **The building/fire inspector will inspect the business as scheduled and on an annual basis to ensure compliance with applicable codes.**
- (e) Building use not meeting the code requirements or not in conformance with the approved plans and specifications shall be corrected and reinspected.
- (f) Multiple reinspections of the same item will be subject to an additional inspection fee. The building/ code enforcement official shall inform the permittee of the additional fee prior to performing the requested reinspection.

Inspectors.

Building & Fire inspectors, code enforcement officials shall be competent by training, experience, licensing and certifications to perform the inspections required.

Right of entry.

An inspector retained by the city to perform inspections shall have the right to enter commercial use structures and facilities for the purpose of performing inspections as required herein.

New certificate required upon change of use or occupant.

A new certificate of occupancy shall be required if a new use of the structure occurs or the structure is used by a new occupant.

Issuance; period of validity.

After completion of inspections and remediation of any deficiencies and payment of the applicable fee, the building/ code enforcement official shall issue a certificate of occupancy to the applicant. **The certificate of occupancy shall be valid as long as the applicant uses the structure for the use stated in the application.**

Termination.

If the applicant ceases to occupy the structure for which the certificate of occupancy was issued, or when there is a change in use of the structure, the certificate of occupancy shall automatically terminate.

Fees.

A nonrefundable annual fee of one hundred dollars (\$125.00) shall be required for applications for a certificate of occupancy for new businesses. A nonrefundable fee of fifty dollars (\$75.00) shall be required for current businesses that need an inspection. Reinspection fee is forty dollars (\$40.00).

Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsections, sentences, clauses, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

Repealer.

All ordinances in effect when this Ordinance becomes effective which as inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

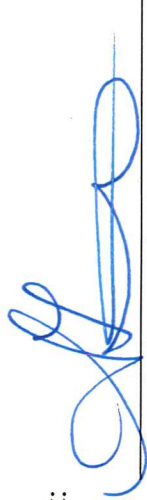
Effective date.

Effective immediately following approval by City Council, the following rules will apply within the corporate city limits of Poteet.

PRESENTED AND APPROVED by the City Council of the City of Poteet, Texas this 4th day of September, 2018.

Attest:

By:


Abigayle Frautschi, City Secretary

By:


Albert Trevino, Mayor

